

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: RIVERSIDE MARRIOTT
3400 Market Street
Riverside, California 922501

DATE AND TIME: Saturday, August 29, 2009
9:09 a.m. to 4:09 p.m.

REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR
(No. 3710)

JOB NO.: 68447JG

A-P-P-E-A-R-A-N-C-E-S

MEMBERS PRESENT:

REPRESENTING

ACTING CHAIR THOMAS ACUNA	Transportation/Rights of Way
DON MABEN	Elected Official
RANDY BANIS	Public-at-Large
MEG GROSSGLASS	Public-at-Large
RICHARD HOLIDAY	Recreation
RICHARD RUDNICK	Renewable Resources
PATRICK LLOYD GUNN	Wildlife
RONALD JOHNSTON	Public-at-Large
JAMES FITZPATRICK	Public-at-Large

STAFF PRESENT:

STEVE BORCHARD, District Manager, California Desert District
JACK HAMBY, Associate District Manager, CDD
STEVE RAZO, External Affairs Officer, CDD
DAVID BRIERY, External Affairs Specialist, CDD
ALAN STEIN, Assistant District Manager, Resources, CDD
ROXIE TROST, Barstow Field Officer Manager
HECTOR VILLALOBOS, Ridgecrest Field Office Manager
LINN GUM, Ridgecrest Field Office Asst. Manager
VICKI WOOD, El Centro Field Office Manager
JOHN KALISH, Palm Springs Field Office Manager
RUSTY LEE, Needles Field Office Manager
MICKEY QUILLMAN, Barstow Field Office Chief of Resources
MIKE AHRENS, Barstow Field Office
GREG MILLER, CDD Renewable Energy Program Mgr.
ANTHONY CHAVEZ: CDD Grazing Management Specialist

I-N-D-E-X

ITEM	PAGE
Welcome/Pledge of Allegiance (Chair)	4
Introductions	4
Summarize Friday's meeting and review	4
Agenda for Saturday	6
Public Questions For Items Not on Agenda	8
Comments From DAC Members on Agenda	14
Renewable Energy Update (Greg Miller, BLM CDD Renewable Energy Project Manager)	27
Morning Break	58
CDD Grazing Update (Anthony Chavez, BLM Barstow Rangeland Management)	59
Lunch Break	94
CDD Supplemental Rules (Lynette Elser, BLM CDD Renewable Energy NEPA Coordinator)	95
Dumont subgroup update (Banis/Presch)	130
ISDRA subgroup update (Holiday)	135
El Mirage Friends group update (Waldheim)	135
Discussion/Action - Status of remaining CDD Sub/friends groups (Field Office Managers/subgroup designees)	147
Afternoon Break	160
Public Comments	178
Wrap-up and Summary (Tom Acuna)	206
Selection of next meeting location and agenda	208
Adjournment	212
APPENDIX I - MOTIONS	214

1 Riverside, CA

Saturday, September 29, 2009

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P-R-O-C-E-E-D-I-N-G-S

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ACTING CHAIR ACUNA: I would like to
call this meeting to order and welcome everyone from
the public and government and DAC members. Geary,
glad you are able to make it back from the fires
yesterday.

11

COUNCIL MEMBER HUND: Thanks.

12

13

ACTING CHAIR ACUNA: Let's start out
with the pledge. Don, would you please lead us?

14

(Pledge of allegiance led by Don Maben.)

15

16

ACTING CHAIR ACUNA: Thank you, Don,
appreciate that.

17

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20

21

Okay. So we have a lot of things to talk
about today. I'm Tom Acuna, acting chair of the DAC
here today, and we are going to do a summary of the
discussion we had yesterday. And I will give you an
overview of where we are going today.

22

23

24

Yesterday we had a number of reports from
the five district offices, and I will just do a real
quick summary of some of the things they talked about.

25

Needles brought up that they are working on

1 19 solar projects and six wind projects.

2 Barstow likewise is dealing with a number
3 of energy projects and also the Twentynine Palms Base
4 expansion. The key there is that later this year,
5 they are still doing a scoping, and the Draft EIS
6 appears to be something that might be ready for public
7 review.

8 Ridgecrest, good number of projects going
9 there. One of the things that they were to
10 accomplish, just one of the many things, is they
11 completed their FONSI for the right of way, geothermal
12 water pipeline that went through BLM lands that was
13 needed in that area.

14 Palm Springs office, they are very heavily
15 involved with renewables. They have 21 renewable
16 projects. They are looking at four major electric
17 transmission lines that are crossing through the
18 desert.

19 El Centro, they are dealing with the
20 Stirling Energy Solar System, 800 megawatt power plant
21 located to the west of El Centro. They are dealing
22 with the SDG&E Sunrise power link, another
23 transmission line from San Diego back to the desert.
24 Also with the Iberdrola Wind Farm at McCain Valley
25 that's proceeding, and the bottom line is for all of

1 us here, a lot of important energy projects are
2 occurring.

3 And I think it's interesting to note that
4 the BLM, per the Energy Act of 2005, has a mandate of
5 making available 10,000 megawatts by using their
6 lands. Now, California, typically a peak load north
7 and south is at about 52,000 megawatts at peak. So if
8 the BLM can provide those 10,000 megawatts, it would
9 go a long way to helping California meet their
10 renewable energy goals of 20 percent, and eventually,
11 a 30 percent renewable standard.

12 So for us here at the DAC we have -- of
13 course, I can't think of a more historic time of
14 importance for all of us to be participating in
15 evaluating these energy projects because they do have
16 impacts to the natural resources. They have large
17 impacts to recreation, mining, mineral resources, the
18 whole gamut. So we need to really pay attention to
19 what is going on now and provide good comment to the
20 BLM to help guide the best possible policies for the
21 California Desert Conservation Area, all 12 million
22 acres.

23 Moving forward to today and going along
24 with the energy idea, we are going to hear a renewable
25 energy update from Greg Miller on a number of issues.

1 One of them is these renewable energy zones they are
2 planning and the transmission lines that would
3 actually link them to urban areas.

4 We will have a little break there, and we
5 will talk about the grazing update and Anthony Chavez
6 will be providing that. We will break for lunch. We
7 will be talking about supplemental rules today. We
8 will be talking about Dumont Dunes, the Imperial
9 Valley Sand Dunes Recreation area, the subgroups and
10 their activities and things they are going to be doing
11 to help us. We are also going to be talking about the
12 Technical Review Committees, which a few of them seem
13 to be kind of in a hold pattern. And I think it's
14 important for the Council to provide some guidance to
15 get those moving ahead.

16 We will also be looking for public comments
17 toward the end of the meeting, and then we will do a
18 meeting summary wrap-up, and we will plan for our next
19 meeting.

20 So are there any questions from the public
21 on this agenda?

22 MR. WALDHEIM: Is this public comment
23 now or --

24 ACTING CHAIR ACUNA: Just public
25 questions for items not on the agenda.

1 MR. WALDHEIM: Ed Waldheim, Friends of
2 Jawbone, Friends of El Mirage, and California Trail
3 Users Coalition.

4 In looking at all the agenda yesterday and
5 looking at the testimony and your recap this morning,
6 I understand that renewable energy is a big issue.
7 But I have to remind -- and I'd be remiss if I don't
8 bring it up -- the public recreation portion is one of
9 the biggest tourism impacts in Southern California.
10 The BLM is probably providing most of the area that
11 tourism occurs. Friends of Jawbone has joined with a
12 lot of other bureaus in working on trying to get the
13 folks to recreate. 40 percent of the folks from Los
14 Angeles recreate both in El Mirage and in Jawbone.

15 And somewhere along the line, I would like
16 to see the DAC give some more recognition of the
17 partnerships that we have between the BLM and the
18 folks out there in the field. There is an incredible
19 amount of source of opportunity for us, the public, to
20 help the BLM. Jawbone and El Mirage are perfect
21 examples of what partnerships can do to help the
22 Bureau accomplish their mission on both multiple uses
23 and renewable resources and providing recreational
24 opportunities.

25 When you look at the reports of the Barstow

1 field office that talk about cleanup, we are a little
2 bit more than just cleanup, even though in my
3 janitorial, and I clean Home Depos -- cleaning, that's
4 my business -- but there is an incredible amount of
5 resources out there that we haven't even tapped into.
6 May it be because they are worried that we will do a
7 good job or worried that we will get too much
8 recognition? I'm absolutely delighted with Hector
9 Villalobos. He saw that as Friends of Jawbone, we can
10 go and do things and he just -- we are always under
11 their responsibilities and agreements with them, but
12 they let us go and do the work and let us work. We
13 are going to expand the visitors center by 1800 square
14 feet; we're going to put a 6,000-square-foot shop in
15 Jawbone.

16 So these are examples that I would like to
17 see the Desert Group or DAC recognize and foster and
18 encourage the agencies. And let's take advantage of
19 all the people who want to help out there, because
20 trust me, they want to be part of the solution. And
21 when we do a good job, then you look like you are
22 doing a good job. Mike Pool is a perfect example. He
23 gave us a million dollars for El Mirage Visitors
24 Center to finish it up. He made it possible to get
25 the job accomplished. So somewhere along the line, I

1 would like to bring up the volunteer side of things a
2 little bit more, if we can.

3 The last thing is when you schedule the new
4 meeting -- and I haven't talked to Hector about
5 this -- I would love to have you schedule a meeting
6 when we finish with the expansion of the Jawbone
7 Visitors Center and make that a big ceremony. So I
8 don't have a date yet when that's going to be.
9 Probably going to be a good year before we get it all
10 accomplished. But I would like you to put it out
11 there for you to consider to come to Jawbone for one
12 of your DAC meetings. And you can have your meetings
13 either at California City City Council, you can have
14 your meetings there or someplace we can find.

15 But the engaged volunteers, really go out
16 and get them. Not say here is these volunteers, but
17 Rose out of El Mirage office, Barstow office, she is
18 an incredible lady for getting volunteer people going.
19 We need to really catch ladies like her and really
20 foster and get more. And the employees who have to do
21 the NEPA and CEQA work, they can do that. But there
22 is a lot of stuff we can do more than just trash.

23 ACTING CHAIR ACUNA: Thank you,.
24 Mr. Waldheim

25 COUNCIL MEMBER GROSSGLASS: I actually

1 had a question. Since I'm fairly new to the DAC, how
2 would you suggest we do what you are asking?

3 MR. WALDHEIM: The DAC group needs to
4 really put on the agenda volunteers. What have the
5 volunteers done? When a field manager makes a report,
6 it talks about all the stuff the employees do. But we
7 are nowhere shown anywhere of the thousands and
8 thousands of hours and the thousands and thousands of
9 dollars we have put in on the public lands. We are
10 not given any recognition at all. I would like to see
11 us elevated to a little higher executive level, so to
12 say, and so each field manager can work on that a
13 little bit stronger and give a report to the DAC.

14 The DAC needs to encourage the field
15 managers, What else can we have these volunteers help
16 with? Steve knows all about that. He has helped me
17 tremendously with Mike Pool as far as we have gotten
18 with El Mirage and Jawbone. Without them, it wouldn't
19 get done. But there has to be others all over the
20 desert to help. District 77, the CORVA, the Cal Four
21 Wheels, what are we doing with them? Not doing
22 anything. And I mean, let's take advantage of that
23 since we don't have enough money and employees and the
24 DAC can kind of set the tone on that.

25 ACTING CHAIR ACUNA: I would like to

1 make one comment. I will respond to you, Ed, in just
2 a moment.

3 I would like to apologize to the DAC. I
4 didn't give you an opportunity to comment on yesterday
5 and today's agenda. So let me -- allow me to tell Ed
6 how much I do -- and I think we all appreciate the
7 effort that the public has provided in helping manage
8 the desert. It's just very commendable. You are
9 right, I really don't think we provide the honor to
10 what you do as much as we should. And it's extremely
11 important. So thank you for bringing that to our
12 attention. So maybe we could --

13 Yes, go ahead.

14 COUNCIL MEMBER GUNN: Just a comment on
15 the volunteer programs at the BLM individual field
16 offices. Ridgecrest, Barstow and others do a terrific
17 job with the volunteer programs, but there are some
18 field offices that for one reason or another don't do
19 or are not that involved in volunteer efforts. So I
20 would agree with Ed that volunteer programs are very
21 important. And I hope they are -- in some field
22 offices where they need improvement, that happens in
23 the future.

24 ACTING CHAIR ACUNA: Thank you, Lloyd.
25 Any other comment here?

1 DISTRICT MANAGER BORCHARD: I would like
2 to thank Ed for his reminder of all the help and all
3 the assistance that BLM receives and the public lands
4 benefit from voluntary contributions. It's huge. I
5 know last year at the end of the year when we did
6 reporting, one of the numbers that we report is the
7 hours of volunteer help. And I'm going to guess, my
8 best recollection of our number in fiscal year '08
9 last fall that we tallied was 36,000 hours.

10 And I looked at that and I talked to a
11 couple of our field office coordinators, because I
12 thought it was a little high. But they assured me it
13 was right. So it was a light bulb moment for me to
14 realize just how much effort is contributed. And I've
15 recognized this in the past and I don't think I have
16 corrected or done anything to correct it, but we are
17 guilty of focusing on our issues that we are
18 challenged by and not stopping and celebrating our
19 accomplishments. And this is a classic example of --
20 these are major accomplishments that go on year-round
21 with volunteer groups that we should spend more time
22 celebrating.

23 So I heard you, Ed, and thank you for
24 bringing it to our attention.

25 COUNCIL MEMBER HOLIDAY: Another issue

1 that comes up with the volunteers that I don't think a
2 lot of people understand is when they show these
3 hours, like Steve said, there are 36,000 hours, those
4 can be applied to a program called Challenge Cost
5 Sharing from the Department of Interior. And you can
6 get additional monies into the local areas by using
7 those hours. So it's very important that all those
8 hours are counted. Like when we do cleanups or work,
9 we make sure that those hours are registered and get
10 back to the BLM so they can apply those to the
11 Challenge Cost Sharing Program.

12 ACTING CHAIR ACUNA: Let's not let that
13 one go. Anything we can do to help the BLM. Okay.
14 So let's go back to the DAC members and I just -- I'm
15 sorry I got out of sequence. Jim, can we start with
16 you? Is there anything you would like to add about
17 yesterday.

18 COUNCIL MEMBER FITZPATRICK: No. Thank
19 you.

20 COUNCIL MEMBER GUNN: Just to
21 emphasize -- I don't know about yesterday, but I hope
22 in the future there would be more utilization of
23 volunteers and probably be more cost effective for the
24 BLM, too, if they utilized volunteers on some
25 projects.

1 COUNCIL MEMBER RUDNICK: I'm just
2 anxious to get going with today's agenda.

3 COUNCIL MEMBER MABEN: Ditto.

4 ACTING CHAIR ACUNA: Does that mean I'm
5 dragging this out?

6 COUNCIL MEMBER JOHNSTON: I don't have
7 anything to add.

8 COUNCIL MEMBER BANIS: Perhaps we could
9 discuss election of officers during the hour and a
10 half allotted for the subgroups and Friends group and
11 such. It would be a good opportunity. It's been over
12 a year of my participation on the DAC, and we have yet
13 to have formally elected officers. I think it would
14 be a nice structural task for us to perform today.

15 COUNCIL MEMBER GROSSGLASS: I want to
16 thank everybody that went to dinner with us last
17 night. Had a lot of fun, members of the public.
18 Thanks to Donnie.

19 ACTING CHAIR ACUNA: Where is Donnie?

20 COUNCIL MEMBER GROSSGLASS: She ordered
21 all our food. Let her know it was wonderful.

22 ACTING CHAIR ACUNA: The food was great
23 and it was her effort that made it possible. So we
24 have done the public questions? Oh, I'm sorry. Is
25 that No. 5? Okay.

1 MR. HILLIER: I won't be very long.

2 Good morning, Mr. Chairman and members of
3 the Council. Gerry Hillier, and I am a consultant
4 with San Bernardino County and also executive director
5 of Quad State Local Government Authority.

6 First of all, I wanted to apologize on
7 Brad's behalf. When these appointments came down on
8 Thursday, we were at a meeting in San Diego and he had
9 very little time to rearrange his schedule and felt
10 fortunate to be with you yesterday but had a conflict
11 today. So he apologizes for not being able to be
12 present.

13 Second, I was curious -- and I know that
14 the question of litigation doesn't often come up at
15 these meetings. But there is one lawsuit, and I don't
16 know whether the Council has been briefed on it
17 relative to its implications, and frankly, its status,
18 because it's kind of lost in the weeds. And that's
19 the WEMO or Western Mojave and the NECO lawsuit.
20 Frankly, we all expected a decision on it I think last
21 Christmas there in Judge Illston's court. Have you
22 heard anything at all, Steve, about its status?

23 DISTRICT MANAGER BORCHARD: Well, the
24 lawsuit is multi-pronged in that Fish and Wildlife
25 Service is also involved in the lawsuit and the

1 Biological Opinions that form part of the basis of the
2 plan and the plan decisions are also part of that
3 lawsuit.

4 Fish and Wildlife Service has not completed
5 the revisions of the Biological Opinion and addressed
6 the incidental take statement issues that our friends
7 in the Forest Service lost all three of their plans
8 here in Southern California over recently. So until
9 such time that Fish and Wildlife Service completes the
10 Biological Opinions, we won't be moving forward. And
11 I am not familiar with their time schedule. We have
12 worked on our Administrative Record requirements,
13 assemblies for that lawsuit. So we can't move forward
14 in the process without our partners, the Fish and
15 Wildlife Service.

16 MR. HILLIER: I have two specific
17 reasons. One is just simply to add to yours that the
18 counties have been granted intervenor status. So the
19 local governments here in the district do have a stake
20 in its outcome.

21 And secondly, the counties are all doing
22 tiering off of the West Mojave relative to extending
23 the plan decisions to private lands. And those can't
24 be consummated until we get a federal decision. So I
25 just think the Council at some point needs to be kind

1 of brought up to date, and you have just done that.

2 I have a more fundamental question I wanted
3 to ask. Given that the judge has not chosen to enjoin
4 BLM from moving ahead, I assume that you are taking
5 some implementation actions on the plan. And I
6 wondered whether you were collecting fees and the
7 mitigation fees that were -- or how you are handling
8 the mitigation compensation that was provided for in
9 both of those plans.

10 DISTRICT MANAGER BORCHARD: As we move
11 forward with projects and work with our partners at
12 Cal Fish and Game and Fish and Wildlife Service to
13 calculate mitigation, primarily for -- right now for
14 energy projects, we are moving forward with those
15 planned decisions for BLM's part of the mitigation.

16 MR. HILLIER: For those impacts on
17 federal land?

18 DISTRICT MANAGER BORCHARD: Yes.

19 MR. HILLIER: It might be something --
20 and again it's not on this agenda, but certainly
21 future agenda. If those fees potentially are going to
22 be rather substantial, for example, and I realize for
23 renewable energy that critical habitat areas are off
24 the table, but there could be mines or other
25 activities, and those compensation fees are up to 3800

1 dollars an acre. So you could be talking about
2 substantial amounts of money. And it might be a role
3 that the Advisory Council could play in terms of
4 advising BLM how to spend those funds because
5 obviously, you don't want to put money in the bank and
6 sit on it. And I'm sure BLM has a backlog of
7 projects, too, but it's something that the Council I
8 think needs to be aware of, so I want to put that on
9 the table for you.

10 Second question I have is totally unrelated
11 and I know you cautioned yesterday that relative to
12 the Feinstein bill or the potential Feinstein bill,
13 that you couldn't speak to it and I understand that
14 delicate arrangement.

15 I do think, though, that at some point the
16 public needs to be aware or become aware of the
17 difference, if any, between National Park Service,
18 National Monuments and BLM National Monuments relative
19 to on-the-ground management.

20 One of the key areas that is in the
21 projected National Monuments, and I think we have all
22 seen some maps during the briefings, are a number of
23 rock hounding areas. And rock hounding as you well
24 know is a very important recreational resource in the
25 California desert. Park Service, if they have a

1 National Monument, clearly does not permit any kind of
2 collection, period. And so if you bend over and pick
3 up a rock in a National Park unit, you have committed
4 an illegal act.

5 It appears that it may be ambiguous
6 relative to BLM National Monuments, and I think that
7 point needs to be clarified. If it is a National
8 Monument, it will be withdrawn, that's known. But
9 what happens to rocks and decorative stone that may be
10 within those areas? And I think that point needs to
11 be clarified.

12 And from San Bernardino County's
13 standpoint, it's a point that we have overlooked in
14 our discussions and I think we want to clarify it.
15 But I think the BLM needs to clarify it for the public
16 during the dialogue of the National Monuments and the
17 whole Feinstein bill because it will be a rather -- it
18 could amount to nothing relative to recreation or it
19 could be a rather substantial impact relative to
20 recreation, and we all need to have the same knowledge
21 base.

22 ACTING CHAIR ACUNA: Before you leave,
23 I think it's important for the general public to
24 understand the perspective on NEMO and NECO, the
25 subarea plans. Can you very briefly summarize for the

1 public what the issue was and how it affects your
2 interest -- briefly, though.

3 MR. HILLIER: Nobody ever accused me of
4 speaking briefly on any occasions.

5 All three plans, WEMO -- I will use their
6 acronyms -- WEMO, NECO and NEMO, were all driven
7 basically by the need to revise the Resource
8 Management Plans driven by the Desert Tortoise listing
9 and the Desert Tortoise Recovery Plan and the BLM's
10 obligation to update their plans consistent with those
11 recommendations.

12 And so they established, and basically they
13 established fairly broad conservation areas within the
14 Desert Wildlife Management Areas that were contained
15 within those regions. They did quite a little bit of
16 other things in terms of route designations and
17 established some land use controls and changed a
18 significant amount of area from class M to class L
19 within the Bureau's management framework scheme.

20 And WEMO affects a substantial part of
21 western San Bernardino County, eastern Kern County and
22 a small part of Los Angeles County. NEMO affected a
23 small northeastern corner of San Bernardino County and
24 was basically in Inyo County. And the northern-
25 eastern Colorado plan affected eastern San Bernardino

1 County, eastern Riverside County, and also affects the
2 eastern part of Imperial County east of the railroad
3 right-of-way that was being spoken of yesterday.

4 So it does cover -- basically the three
5 plans cover 90 percent of the desert -- well, 85
6 percent of the Desert Conservation Area but they were
7 driven by the tortoise, and they established
8 conservation areas and that was the key thing.

9 One of the key areas in WEMO that was
10 addressed -- and it was a rather unique approach -- is
11 that a significant amount of mitigation for private
12 land development is going to be supplied by public
13 land protection and preservation. Things like people
14 with livestock, the sheep allotments, for example, in
15 the Western Mojave were effectively cancelled. I
16 don't know if that's finally taken place or not, but
17 that's an example of the kind of mitigation that was
18 used and committed to so that private lands within the
19 region that were outside of these conservation areas
20 could be developed.

21 And that was something that was done over,
22 my God, ten years of negotiations and meetings there
23 with the public and stakeholder groups. But Steve and
24 somebody from the Bureau might want to add to that,
25 but that's basically a summary of the three plans.

1 ACTING CHAIR ACUNA: What is the failure
2 right now? What is the lawsuit? Who is bringing
3 that?

4 MR. HILLIER: The lawsuit was brought by
5 the Center for Biological Diversity and three or four
6 other environmental groups, and they challenged the
7 land use plans and they challenged the Fish and
8 Wildlife Service estimate of tortoises within the
9 area.

10 And their -- one of the initial biological
11 opinions didn't even provide for a specified take.
12 And so Fish and Wildlife had to go back and
13 recalculate take. Intervening in that has been also a
14 significant lawsuit on the Forest Service plan up in
15 northern Idaho in which the 9th Circuit held that the
16 Forest Service had a multiple use land mandate, which
17 is similar to what BLM's is, and that the Forest
18 Service could make decisions that might affect
19 environmental interests simply in carrying out its
20 mandate as moved by Congress. So the judge did ask
21 for a full rebriefing after that.

22 Public Land Council -- I can't remember who
23 the litigant was in the northern Idaho suit and it was
24 rather significant, a 9th circuit decision. So there
25 have been a lot of things that have gone on since the

1 initial suit was filed. It will be, I think, a major
2 decision when the judge finally gets around to
3 rendering a decision.

4 And as I say, I felt it important that I
5 raise it with the Council, and more important, to
6 raise it relative to the collection of fees and the
7 Bureau's moving forward in terms of implementation
8 because the judge -- I can't recall whether the judge
9 was asked to issue an injunction or whether there
10 wasn't that request. But at any rate, the Bureau can
11 move forward because they might get sued on an
12 individual action, but to date, the judge has not
13 enjoined the Bureau from moving forward with
14 implementation.

15 ACTING CHAIR ACUNA: I appreciate the
16 feedback and update.

17 COUNCIL MEMBER GROSSGLASS: So Steve,
18 you were saying with regard to the WEMO lawsuit, the
19 reason why the Judge Illston has not ruled is because
20 the administrative record is not complete? That's not
21 what I had heard.

22 DISTRICT MANAGER BORCHARD: We have
23 completed our work on assembling the administrative
24 record. Fish and Wildlife is still reworking their
25 biological opinion.

1 COUNCIL MEMBER GROSSGLASS: So Fish and
2 Wildlife's portion of the administrative record is not
3 complete, and that's why Judge Illston has not ruled?

4 DISTRICT MANAGER BORCHARD: I think
5 that's the status.

6 MR. HILLIER: I'm uncertain in terms of
7 the precise legal language, and our attorney for Quad
8 States is constantly accusing me of trying to practice
9 law without a license. So I'm very careful in terms
10 of how I speak, but I do know that the Service has
11 been called to task for its biological opinions and
12 continues to work on revision. And I didn't know what
13 the status was. I haven't heard in about four or five
14 months, so I'm happy to know that they are still
15 working away at trying for come up with a number.

16 Actually, they did. In one of the interim
17 biological opinions, they did actually come up with a
18 solid estimate of the number of tortoises within the
19 West Mojave Unit, which is the first time that the
20 Service has ever admitted to a statement of what the
21 population might be. And I thought that was a
22 significant step for them to do that. I think the
23 Center filed paperwork and said that their methods and
24 all were suspect, but they are arguing over
25 methodology, I think, as much as they are the

1 substantive numbers.

2 ACTING CHAIR ACUNA: Richard.

3 COUNCIL MEMBER HOLIDAY: Just to respond
4 to this lawsuit. Our organization EcoLogic that we
5 are part of, our lawyer, we are an intervenor. And we
6 have filed a brief. And our last comment from our
7 lawyer was that they were waiting for a decision from
8 the judge. The briefing was complete. So we will
9 check back with our lawyer and see what's really going
10 on, if they are waiting on something else. We have
11 been sitting here waiting for the same thing, and we
12 spent a considerable amount of money on this
13 particular lawsuit, so we are very anxious to see what
14 the result will be.

15 MR. HILLIER: The counties have spent
16 quite a bit in terms of their own intervenor status as
17 well, so we have a lot at stake.

18 ACTING CHAIR ACUNA: So we are a little
19 bit behind time, so I want to get things back to
20 track.

21 Maybe at the end of this meeting, maybe we
22 can have a little more discussion on this topic. If
23 we want to have a greater update, maybe at the next
24 meeting, at your will, whatever you wish.

25 So I think, Steve, would you like to

1 introduce the next portion of our presentation?

2 DISTRICT MANAGER BORCHARD: Sure. I
3 would like to introduce Greg Miller. He is the
4 California Desert District Renewable Energy Program
5 Manager. He is going to give you an update on the
6 status of the program.

7 MR. MILLER: Good morning, lady and
8 gentlemen of the Council, Mr. Chairman. Thank you
9 very much.

10 Greg Miller. Thank you very much for
11 allowing me to come and present you an update for the
12 renewable energy program for the Desert District. Let
13 me start -- I understand yesterday you had kind of an
14 update from the field offices on how many applications
15 they are working on. And I'm going to bring you up to
16 the next level and give you an idea of what's going on
17 in the desert.

18 Currently for solar projects, we are
19 looking at 70 solar, first-in-line solar applications;
20 that's 7-0. Those are the applications that we are
21 looking at right now as far as being most active. For
22 wind, we are looking at about 65, 66 of those
23 applications. So a total of number first-in-line
24 active applications of about 130 or 140 applications
25 we are trying to process through the permitting

1 process at this point.

2 We do have a number of second-in-line solar
3 applications, as well, that are just kind of waiting.
4 And our job is to make sure that these applications
5 are processed in a timely manner to get to a point
6 where they are moving forward with a Notice of Intent
7 and a NEPA analysis, if it's in fact the company's
8 desire to go that far.

9 The 70 applications cover approximately for
10 solar about 600,000 acres on the Desert District. The
11 wind applications are a little more -- or about the
12 same. About 450,000, maybe 400,000 acres. The wind
13 applications are mostly for testing. So what that
14 means is they are out there looking to see if that's
15 the best area to put wind turbines. So a lot of these
16 large areas for wind applications, they are going to
17 be shrunk on down tremendously if they move forward to
18 a turbine development. The amount of area that they
19 are using will be shrunk down to just the roads, the
20 turbines and the power blocks or anything else that
21 they need for that.

22 For solar, it's a little different story.
23 There are large solar fields going to use about 90, 95
24 percent of the area that they are applying for. Some
25 might be cut down quite a bit. There are some large

1 acre applications out there that we are trying to cut
2 down quite a bit to just reasonable sizes.

3 We are right now -- let me go up a level.
4 The National Office and the Department of Energy are
5 working on a Solar Programmatic Environmental Impact
6 Statement. And as was mentioned this morning, there
7 are 24 solar energy study areas across the U.S. in the
8 six western states they are looking at a little more
9 detail to see if that's the best place to put
10 utilities for solar development.

11 Four of those areas are in the Desert
12 District. I can't give you the amount of acres. I
13 wish I could at this point, but I don't know exactly.
14 We have -- four of those areas, Pisgah is one near
15 Barstow that has three or four or maybe five
16 applications in it, solar. There is one in Iron
17 Mountain out of Ward Valley, I think that's where it's
18 at. That has about 9 or 10 applications, solar
19 applications. The largest one we have is in Riverside
20 east, which is from Desert Center all the way out
21 towards Blythe, and that has about 18, maybe 19
22 applications. Maybe 17. And that's one of our
23 largest. And then there is one down in Imperial east,
24 down east and south of El Centro. That one has two
25 applications.

1 So it gives you an idea of where they are
2 at. And the map is over there. To give you an idea,
3 those darker blue areas are the solar energy study
4 programs. Now, what the Programmatic Environmental
5 Impact Study is going to do is determine if those are
6 going to become solar energy zones and identify those
7 as areas for solar development. And those will be
8 analyzed with a NEPA analysis and environmental,
9 socioeconomic analysis to determine if that is best
10 use for that land.

11 That will amend our land use plans to allow
12 for solar development so we won't have to go through
13 land use plan amendments for each single application.
14 Anything that would go in there would automatically be
15 identified as a solar development project, and it
16 would go through land use. It might require an EIS,
17 but it might require an environmental assessment
18 tiered toward the programmatic EIS, so that's kind of
19 the idea there.

20 We are -- we do have, and you probably
21 heard Secretary Salazar talk about our first
22 generation applications that we have. They are those
23 that we believe are in a status right now close enough
24 to be approved by December of 2010. So we have about
25 nine of those on the district for solar and maybe one

1 or two for wind. We are working very diligently with
2 the Energy Commission, California Energy Commission
3 and the applicants and the California Public Utilities
4 Commission and all the other different agencies out
5 there, Fish and Wildlife, Cal Fish and Game. The
6 Renewable Energy Action Team that just got -- just was
7 created by Governor Schwarzenegger's executive order,
8 the REAT or the REAT, however you want to call that,
9 we are working hard at the state level to coordinate
10 all these different sitings for solar, wind and
11 geothermal activities on BLM lands here.

12 The next thing we are looking at now is
13 getting -- the coordinating office where I am working
14 out of now, the district office -- I'm kind of a
15 sub-office -- staffed up enough to start working on
16 these projects in a more efficient and effective
17 manner so we can give responses to the proponents,
18 gather responses back from the proponents in a more
19 timely manner. And that the field offices aren't
20 burdened with all this extra duty they have to do.
21 And we are pulling that off of the field offices so
22 they can concentrate on their other recreational type
23 of work or other rights-of-ways or other things that
24 they are required to do as well and not get just
25 inundated with all these energy applications.

1 So with the REAT coordinating teams that we
2 are creating or making, we will have project managers.
3 And assistants for those project managers will be
4 taking several projects each and then using a pool of
5 biologists, archaeologists, hydrologists, GIS
6 specialists underneath them to help move those
7 projects, like a project team, through the process.
8 We will have planning environmental coordinators who
9 will probably be the major persons doing a lot of this
10 work, the NEPA analysis and realty specialists for the
11 processing of the applications.

12 That's what we are doing right now. That's
13 what we are trying to get done. And the numbers of
14 applications haven't changed much, if you notice. I
15 think the last time I talked to you was about 70 for
16 solar and 66 wind. What is happening is people are
17 leaving, some people are coming in, or second-in-lines
18 are now becoming first-in-lines. So there is not much
19 loss there. But it's up to us, and it's -- my goal is
20 to start looking at these applications much more hard,
21 more hard to see whether these folks are actually
22 indeed serious about developing solar and wind energy
23 on BLM lands. So that's what we are going to do in
24 the next few months, for sure.

25 That's all I have.

1 ACTING CHAIR ACUNA: That's a lot. And
2 I certainly have questions -- I know we all do, but if
3 I may, the PEIS, is that co-sponsored with the
4 Department of Energy?

5 MR. MILLER: That's right.

6 ACTING CHAIR ACUNA: We talked about
7 this earlier in the week, and I went to the Web page
8 to find a schedule. And right now they are in
9 scoping. And they had these key dates to when this
10 PEIS would be actually in place where people could go
11 into it and things are just peachy-keeno. I wasn't
12 able to figure out when that's all going to come up.

13 MR. MILLER: I'm guessing -- and this is
14 my assumption, I think -- is that with the new
15 announcement of the solar energy study area, they
16 opened up the scoping again and I think it closes the
17 middle of September, I believe.

18 COUNCIL MEMBER GROSSGLASS: September
19 12.

20 MR. MILLER: So they are looking at
21 probably putting out a Draft PEIS by late spring,
22 early summer of next year, 2010. And then the final
23 would be most likely be the year following. That's
24 what I think. So 2011 they will have the Final EIS.

25 ACTING CHAIR ACUNA: From an industry

1 perspective -- this is the important point for the
2 DAC -- when this comes to fruition, large scale
3 developers will have a lot more certainty where they
4 can build. And the fact that it went through this
5 means that they don't have to amend the plan, which
6 can be a very time-consuming process when they submit
7 their plan of development. So this is a streamlined
8 effort that BLM and DOE is doing. It's going to help
9 that process.

10 One last thing: It's interesting the
11 number of applications in acreage, and I did a little
12 math here, and it's roughly about 8 percent of the
13 total 12 million acres, roughly, I think, that BLM
14 controls through the Desert Conservation Area. And I
15 realize a lot of that won't happen. But it's a
16 significant number. So please, DAC.

17 Richard.

18 COUNCIL MEMBER HOLIDAY: When I read
19 your -- when I look at that map there, it becomes -- I
20 realize you've got a lot of things on your plate. But
21 one of the things that's always a little confusing to
22 me is trying to figure out these areas of potential
23 solar and how that affects recreation. That's what I
24 am kind of here for is recreation.

25 I'm wondering if it would be possible to

1 get a map that's a little less crowded that just
2 showed maybe an overlay of open or recreation areas
3 and the areas that will be being affected by these
4 renewable energy things. I think we are all
5 concerned, obviously, that this is going to take up a
6 lot of areas. And the open areas are the areas or the
7 recreation areas are the areas they are looking at.
8 You can't look at wilderness areas and you can't look
9 at wilderness study areas, so that just leaves our
10 areas on the forefront of this.

11 So I don't know. Maybe at the next meeting
12 we could get a map that kind of was kind of really
13 pretty generic that just showed recreation areas that
14 are open, maybe different classifications, but then
15 overlay those with some of the solar and wind
16 potential things so we could get a little bit better
17 handle on how this is really going to affect
18 recreation in the desert.

19 ACTING CHAIR ACUNA: I would also add to
20 that that it's important for the Council to really get
21 a grasp visually for the conflicts that are
22 potentially there, and your idea is perfect. We often
23 look at these maps, and there is a clutter of multiple
24 layers. It's hard to get a good feeling for it.

25 So if we could have a Power Point with a

1 map showing solar -- or should I say renewable
2 projects versus recreation. And then we could
3 actually spread that, perhaps, with two or three other
4 slides with other types of uses that are of interest
5 to the DAC. So just an idea here, and maybe we can
6 come back to that.

7 But other members of the DAC, do you have
8 other comments, please?

9 COUNCIL MEMBER JOHNSTON: This is my
10 first term with the DAC. But when I came to my first
11 meeting and the renewable energy projects were brought
12 up, it was apparent that this had been thrust upon the
13 BLM almost overnight and there was a lot of
14 preparedness that hadn't had a chance to take place
15 yet. And the coordinated way to study these proposals
16 when they came in wasn't in place. And I think over
17 the last two years there has been a great effort on
18 the BLM's part to develop a coordinated review process
19 for these projects.

20 Today, though, when you get a project
21 submitted and now that you have a focused group that
22 is just looking at these projects, are you looking at
23 not just the project, but also the transmission line
24 and all the linkage that has to come into that so you
25 have an overall, coordinated picture?

1 MR. MILLER: Not only are we working
2 with the Energy Commission on other solar activities
3 or other renewable energies, especially solar, but we
4 are working with Southern Cal Edison, we are working
5 with San Diego Gas and Electric, and we are working
6 with CPUC to look at these different transmission
7 lines coming through and where they are going to be.

8 I don't know if you are familiar with the
9 West-wide Energy Transmission Corridor Study that was
10 done, and we had a PEIS on that as well. The Record
11 of Decision was signed earlier this year that
12 identified transmission or utility corridors through
13 the Desert District. And so the idea is to make sure
14 that those corridors remain intact if there is any
15 kind of applications for renewable energy on or in
16 them, as well to be able to provide transmission to
17 the cities.

18 We are working closely with the other
19 utilities and the companies are as well, because we
20 won't let them move forward to start construction
21 unless they have a Power Purchase Agreement in place
22 and they have what's called a Systems Interconnect
23 Study in place. So they have to know who they are
24 going to be selling electricity to. If they don't
25 have that, we won't approve their application. So

1 when they get to that point where they start
2 construction but if they don't have this ability to
3 put electricity somewhere, sorry, you-are-done type of
4 thing. Too bad. So -- but they are working way ahead
5 of time. The First Solar Photovoltaic Company, they
6 have Power Purchase Agreements with Southern
7 California Edison now there. Actually, they have 12
8 applications on the District, but the two they were
9 talking about were part of the top two.

10 ACTING CHAIR ACUNA: Don.

11 COUNCIL MEMBER MABEN: Thank you,
12 Mr. Chairman. Mr. Miller, of all those projects you
13 have listed, what percentage of them have the
14 interconnect done?

15 MR. MILLER: Good question. I would say
16 10 percent, maybe 15 percent.

17 COUNCIL MEMBER MABEN: Talking to people
18 in the industry, the ones that have it are the ones
19 that are serious.

20 MR. MILLER: Well, the Interconnect
21 Study as you know it now is done in clusters. The Cal
22 Independent Systems operator is doing cluster studies,
23 so they only grab a few applications that are out
24 there, and they will grab a few pending solar projects
25 or even just power projects. And then they will say

1 okay, we are going to do a study on this one this
2 year. And then the next year they have another influx
3 and they will do a study on those in the next year.
4 So I would say that -- it could be more, I'm not
5 certain.

6 I know that those we are working on right
7 now, those first generations, they do have Systems
8 Interconnect Studies and Power Purchase Agreements,
9 most of them. Or at least negotiated right now.
10 Otherwise, we wouldn't have included them in our first
11 generation.

12 ACTING CHAIR ACUNA: This is important
13 for the Council here to understand is that in a
14 perfect world, all of this energy planning would have
15 occurred five or ten years ago and all of these
16 corridors, all of these energy zones would have been
17 identified. And then all of these applications then
18 would have come through the BLM and it would have been
19 in a nice, orderly fashion where everything was
20 considered under the sun. That's not the way it went,
21 so there are numerous applications that are proceeding
22 on their own, on their own merit. That's one side of
23 the equation.

24 The other side of the equation is there is
25 comprehensive planning at the state and federal side

1 where large groups of agencies are evaluating the very
2 best plan. So it's kind of a mix, if you will, and I
3 commend what you folks are doing with the energy
4 zones.

5 One thing that you haven't hit, Greg, is
6 the RETI results and the REAT. And basically I will
7 say this to the Council here is that the idea of a
8 renewable energy zone, the big thinking picture idea
9 of those big spots, they have groups working on that.
10 And Greg is going to tell us a little bit about that.
11 And then the big idea of finding out those
12 transmission links to tie to urban areas, that's being
13 looked at in a separate group. So maybe you could go
14 through that.

15 MR. MILLER: The Renewable Energy
16 Transmission Initiative, what Mr. Chairman is talking
17 about, is the state-led initiative to look at where
18 transmission in the future needs to be put in place in
19 order for us to connect all these power plants
20 together or to the group. So what they came up -- and
21 I'm sure you are familiar with the Competitive
22 Renewable Energy Zones or CREZs that were mapped
23 across the state and of those CREZs, several of those
24 line up -- most of them -- I should say all of them
25 line up with what the Solar Energy Study Zone Areas

1 are now designated at. And that was not by accident
2 but by design.

3 We saw that the Competitive Renewable
4 Energy Zones by the state, where they were at, and BLM
5 figured that this would be another spot that we could
6 use more analysis for the Solar Energy Study Areas.
7 So we are looking at a site, but also looking at the
8 transmission out of those. The state is helping us
9 look at the transmission out of those and planning for
10 transmission in the future.

11 The Energy Commission is the power broker
12 for the state. They are the ones who decide kind of
13 where they want to put power for the state. BLM
14 decides if they want to have it on their land. We're
15 working together through kind of an MOU we have with
16 the Energy Commission, working together to try to act
17 as a dual for the California Environmental Quality Act
18 and the National Environmental Policy Act, working
19 with Energy Commission to do this set NEPA analysis or
20 environmental analysis in one venue or one path
21 instead of two separate paths so we don't confuse the
22 public. Did that help answer?

23 ACTING CHAIR ACUNA: Yes, thank you for
24 illustrating that.

25 COUNCIL MEMBER FITZPATRICK: I'm pretty,

1 you know, empty slate on a lot of this. And you used
2 the term "reasonable sizes." And I know we don't have
3 time to go into all that, but in all the articles I
4 read in the handouts, I'm not quite sure how you get
5 to that. Can you just explain where you are going and
6 how you reach a reasonable size for the project?

7 MR. MILLER: I will give you an extreme
8 example. We have a solar company out there who is
9 applying for 47,000 acres of land to put on a 5,000-
10 acre solar field. Reasonably they don't need to use
11 47,000 acres of land. So during their application
12 process, once they get to a point where we know -- I
13 do this for a couple reasons. One is they don't know
14 if this is a good place to put the solar field so they
15 will move it someplace else, that's good. The other
16 thing is that the transmission might be better in
17 another spot. So it's just a planning type of thing.

18 What we would do when they develop their
19 planned development, they get to an idea of where they
20 want to put their solar field, plus power block and
21 roads and transmission lines. Then we say, we want
22 you to reduce your application to just include the
23 power block, the solar fields and maybe a small buffer
24 around it for protection because they are able to
25 fence around these, from 47,000 down to maybe 6,000.

1 That's what we are thinking is reasonable.

2 COUNCIL MEMBER FITZPATRICK: Thank you.

3 ACTING CHAIR ACUNA: Geary, please.

4 COUNCIL MEMBER HUND: This is just
5 taking off from the suggestion of putting together a
6 Power Point to show how the open riding areas might be
7 affected. And I was going to suggest that if staff is
8 able to do that, that it might be a good idea to put
9 something like that together before the Draft EIS is
10 released or somewhat coincident with that. And that
11 it also include the potential impacts on other
12 administrative designations in addition to open riding
13 areas. Other off-road riding opportunities outside of
14 open riding areas, like designated routes, impacts to
15 biological, scenic and cultural resources, and other
16 forms of recreation. Impacts to mining, grazing and
17 to local economies. It seems to me that not only
18 would the DAC benefit from presentations like that,
19 but the public would as well, not only in this meeting
20 but a Power Point like that could be posted on the Web
21 site, and it would be a lot easier for the general
22 public to go through something like that as a starting
23 point than to try to wade through the document, not
24 that they wouldn't do that too. So it's just a
25 suggestion to BLM.

1 ACTING CHAIR ACUNA: I think it's a
2 great idea, Geary. The idea that RETI and REAT and
3 these CREZ zones are proceeding, they are not final
4 yet, Greg. They are still in the scoping and
5 evaluation and draft documents. We as a DAC ought to
6 be having some sort of opinions stated to those in the
7 public comment record. And so I think I would like to
8 come back to this at least at the next meeting. And I
9 agree with you, is to have a greater understanding of
10 the conflicts and what it is that you each want to
11 represent and say in this scoping letter before these
12 decisions become final.

13 Meg.

14 COUNCIL MEMBER GROSSGLASS: I'm trying
15 to -- are you saying that you want us, the DAC, to
16 submit scoping comments?

17 ACTING CHAIR ACUNA: We ought to be
18 providing an opinion to what is being proposed on
19 these large-scale plans.

20 COUNCIL MEMBER GROSSGLASS: At the
21 private level or at the PEIS level?

22 ACTING CHAIR ACUNA: Well, they are
23 different things. PEIS is one thing, the programmatic
24 solar. Then you have RETI and REAT and then you have
25 CREZ zones. And I mean, the list is quite long.

1 Hence, we can each time we have a meeting, for
2 example, we could probably focus on just one plan and
3 state an opinion. But I think it's important because
4 you are representing a great number of interests and
5 how do you feel about that, they need to hear this.

6 COUNCIL MEMBER HUND: Well, as we did
7 before with our letter that we signed as a group
8 stating our concerns about the potential effects of
9 these renewable energy project proposals on the
10 desert, including recreation and resources, I could
11 see us potentially providing a letter to BLM about the
12 PEIS at some point.

13 COUNCIL MEMBER GROSSGLASS: If we want
14 it to go on the official record, we have to send it in
15 during the scoping period. And I would be willing to
16 work on that with you, Geary, but that is September
17 12. And I think we have a 14-day letter writing
18 criteria. So the time would be a little too short for
19 us to actually get it done for the scoping period.
20 And then the next period for public comment would be
21 Draft EIS.

22 ACTING CHAIR ACUNA: We don't
23 necessarily have to comment on the scoping. It's
24 always better to do that. But when they create the
25 document, we have that opportunity to provide comment

1 then, too, so I agree with you, but -- go ahead.

2 MR. MILLER: I would suggest that once
3 you see these maps, you might have a better idea of
4 where you would like to comment on. And at that point
5 once the Draft EIS is out, the PEIS, then potentially
6 commenting at that point in time would be a better
7 idea than right now trying to comment on the scoping
8 period. You would have a little more analysis you
9 could look at.

10 DISTRICT MANAGER BORCHARD: A lot of the
11 maps and issues that you are bringing up now will be
12 addressed in the Programmatic and are being looked at.
13 That's part of the purpose of the environmental
14 analysis, as many of you are aware, is to disclose
15 conflicts and analyze impacts of the proposal and
16 suggest how those conflicts would be resolved.

17 If I consider the magnitude of this request
18 at a DAC meeting, I'm thinking well, gosh, if we are
19 going to have another DAC meeting in less than 90
20 days, this information will not be available in those
21 90 days. And this information is being prepared by
22 contractors that are being paid hundreds of thousands
23 of dollars and millions of dollars to prepare this
24 information. So I'm reluctant to even consider
25 putting my limited staff time on putting a map

1 analysis together and duplicate what contractors are
2 being paid to do and other sources of funding.

3 So I'm wondering what I could do in lieu
4 of -- in lieu of duplicating what the contractors are
5 doing as part of the Programmatic EIS to actually
6 better inform you all of the conflicts and issues that
7 we want you to think about and that we want you to
8 weigh in on. I'm in a bit of a quandary of how to do
9 that in a cost-efficient manner with the limited
10 staffing and a desire not to duplicate contractors who
11 are being paid to do the same thing as they prepare
12 the EIS documents, which are -- they are going to be
13 massive.

14 ACTING CHAIR ACUNA: Well, Steve, I
15 don't think we want to create a burden for the BLM
16 staff. I think what we are trying to say is how can
17 we get a fast download of what the issues are, as any
18 interested party would be, even if we weren't DAC.
19 And how can we provide something that's meaningful
20 from us as comment.

21 You mentioned, for example, the contractors
22 are providing and preparing all this work and there is
23 a potential for duplication. Do they not hold scoping
24 public hearings? Do they not make presentations to
25 groups? If that were the case, is it possible that

1 they could pay us a visit and give a briefing instead
2 of your staff?

3 DISTRICT MANAGER BORCHARD: Yes, but
4 that would be not until late spring, early summer.
5 And I sense that there is a current interest in
6 becoming more informed of the issues. That surely we
7 can work with our contractors to have them come and do
8 that, but I'm not sure that meets the time frame that
9 you are desirous of.

10 ACTING CHAIR ACUNA: I just -- one
11 comment here. I don't think we are looking at making
12 comment letters to any group this year. We don't
13 necessarily have to do that. But at the appropriate
14 time, if that will work too.

15 So, please -- who raised their hand first?
16 Richard.

17 COUNCIL MEMBER HOLIDAY: Yeah. I
18 understand the issue there that we don't want to spend
19 a whole lot of time. But it's still important for the
20 public to understand how the things are going to
21 affect them personally. I mean, you are in an
22 administrative mode to handle all these requests
23 coming in and be dictated by the Secretary of Interior
24 to get all these things done.

25 One thing that bothered me, you have those

1 maps up there. For me -- maybe I'm just really
2 dense -- but they are very hard. They have so much
3 data on them. And like Geary suggested, I really
4 would like to see even if you could do something that
5 was layered, we could unlayer. Just so --

6 DISTRICT MANAGER BORCHARD: You would
7 like to see fewer themes on any one piece of paper.
8 And multiple pieces of paper rather than us trying to
9 put a dozen different information themes overlaid on
10 top of each other on the same map?

11 COUNCIL MEMBER HOLIDAY: If there was
12 four maps, one that --

13 DISTRICT MANAGER BORCHARD: That's
14 probably something we can do pretty quick because we
15 have a map with everything on it and we had it at a
16 previous DAC meeting, and it's actually up on our Web
17 site.

18 COUNCIL MEMBER HOLIDAY: I know the way
19 those maps are probably made are layered. Turn off a
20 couple others and make a map. And then we will have
21 kind of an overlay of recreation areas, of grazing
22 areas -- we have to keep our grazing person happy.

23 COUNCIL MEMBER HUND: A real quick
24 comment on the map thing. As a person that does GIS
25 documents now, when you create a pdf document it will

1 capture the different layers and anyone that receives
2 a pdf document, if it's set up right, can click them
3 on and off. So your GIS person in a very short period
4 of time could create a pdf like that for the DAC or
5 the public.

6 DISTRICT MANAGER BORCHARD: You can't do
7 that?

8 MR. MILLER: Yes. We do have that
9 ability, that capability.

10 COUNCIL MEMBER HUND: There are actually
11 tabs on the left-hand side you can click on and turn
12 the layers on and off with a pdf.

13 COUNCIL MEMBER BANIS: You have to
14 update your pdf viewer.

15 ACTING CHAIR ACUNA: Randy, please.

16 COUNCIL MEMBER BANIS: I just wanted to
17 alert the Chair, it was my intent to offer the
18 possibility of a subgroup on solar development.
19 Again, the DAC is kind of like the QE3. It's kind of
20 hard to turn around mid course. But those TRTs can
21 jump and organize a little bit quicker and faster and
22 even get into a little more depth on some of this.

23 MR. RAZO: If I may just remind the DAC,
24 that on your energy letter that you did submit, you
25 requested at the end -- and this might help you, you

1 stated, "The Council requests that we be a part of the
2 policy formation discussions and be informed of any
3 final definition and wording for our consideration in
4 discussions before adoption."

5 ACTING CHAIR ACUNA: Sounds pretty
6 consistent of where we want to go still.

7 COUNCIL MEMBER GROSSGLASS: I have a
8 couple questions. That Web site you talked about that
9 talked about the solar PEIS, there is a place to sign
10 up to get e-mail alerts. It's very helpful and public
11 friendly. So if anyone on the DAC or in the public,
12 I'm sure Greg can give you the Web site. And I
13 believe that there aren't any solar energy projects in
14 open areas; correct?

15 MR. MILLER: That's correct.

16 COUNCIL MEMBER GROSSGLASS: So we don't
17 have to worry about the open areas.

18 MR. MILLER: There are some along the
19 edge, but not in them.

20 COUNCIL MEMBER GROSSGLASS: So far you
21 have been pretty good about discouraging that.

22 MR. MILLER: The BLM has been
23 discouraging that with the help of the recreational
24 community saying you don't want to get in a fight with
25 Meg.

1 COUNCIL MEMBER GROSSGLASS: The other
2 question I would have is -- so to make sure I
3 understand the solar PEIS correctly, is it the intent
4 of the PEIS that once it's done and a solar energy
5 company decides to put a project in one of these
6 zones, then they would only have to do an EA?

7 MR. MILLER: That's a potential, I
8 believe so. Then we would tier to the EIS at that
9 point in time.

10 COUNCIL MEMBER GROSSGLASS: I don't
11 remember, what is the public participation in the EA
12 process? I didn't think it was --

13 MR. MILLER: It's not 90 days. The EIS
14 has a public draft comment period of 90 days.

15 COUNCIL MEMBER GROSSGLASS: There is no
16 scoping period, either?

17 MR. MILLER: There is scoping.

18 COUNCIL MEMBER GROSSGLASS: I'm sorry.

19 MR. MILLER: It's not probably the
20 higher level of an EIS, but we do do scoping and we
21 can do -- we do do a public comment period.

22 COUNCIL MEMBER GROSSGLASS: And then I
23 am going to go back to my favorite place. The
24 geothermal, the Truckhaven. So you guys are with
25 yours. We have CEQA that needs to be done on the

1 California State Commission lands, and then after CEQA
2 is done, then these three people that have the leases,
3 do they all have to get a plan of development and
4 submit you guys one plan of development, because they
5 can't submit you different ones, can they?

6 MR. MILLER: That's something that I
7 haven't worked out completely yet too. John Dalton is
8 working on that quite a bit, so he has those
9 intricacies all in his mind.

10 COUNCIL MEMBER GROSSGLASS: I will ask
11 John.

12 MR. MILLER: I couldn't help you, I'm
13 sorry.

14 ACTING CHAIR ACUNA: I was going to
15 comment one little thing here, and that is that I want
16 to commend BLM for the idea, strategic idea of
17 creating project managers with responsible teams.
18 Now, that's happening at the Moreno Valley office?

19 MR. MILLER: Correct. We are probably
20 going to have a team in the Palm Springs office also.

21 ACTING CHAIR ACUNA: I think for the
22 individual district, that's a very strategic tool that
23 will help them manage all the other things they need
24 to do and bring the teams together in a more focused
25 manner at the Moreno Valley office. Are you hiring

1 more people for that? How many teams do you foresee?

2 MR. MILLER: Right now probably three
3 teams at this point in time. And we do have one team
4 right now. It's a contracting team out of the Palm
5 Springs office, and they are doing a lot of work right
6 now to kind of -- as an interim measure. But three
7 teams, two out of the Moreno Valley office and one in
8 the Palm Springs office. And three project managers
9 who will draw off those pool of individuals to help
10 them. And a biologist might be working for three
11 project managers or three or two or one, depends on
12 when that project manager needs that person. So
13 that's the plan. Get a project manager working on the
14 process and then go through the process as efficiently
15 as possible.

16 COUNCIL MEMBER GUNN: Tom, you mentioned
17 that there is applications for renewable energy
18 projects, solar and wind, on 8 percent of the 12
19 million acres that BLM -- acres. Just doing some
20 rough math, that's over or about a million acres.
21 That's a lot of land.

22 MR. MILLER: That's right.

23 COUNCIL MEMBER GUNN: Also, Greg, you
24 mentioned that about Edison and First Solar getting
25 together and doing those projects. I have the article

1 in front of me, and it says that -- basically it says
2 it's already a done deal. It has the start dates and
3 all that of when they are going to be built.

4 MR. MILLER: When they make an agreement
5 with a utility company, that's the agreement between
6 them and the utility company. They still have to go
7 through the same environmental process and the same
8 permitting process with the BLM as any other plan
9 does.

10 COUNCIL MEMBER GUNN: So it's not a done
11 deal?

12 MR. MILLER: It's not a done deal. We
13 haven't received a plan of development from them yet.

14 COUNCIL MEMBER HUND: Just to clarify my
15 earlier request for Steve and other's benefit. What I
16 was thinking of was the development of a Power Point
17 program that summarizes the impacts, conflicts and
18 potential resolution of coming out coincident with the
19 release of the Draft PEIS that perhaps could be put
20 together by the contractors and posted on the Web
21 site.

22 And the reason for my suggestion is, just
23 to use a parallel, I am involved in writing quite a
24 few grant applications in my employment. And
25 oftentimes if you go to -- take the recreational

1 trails program grant for trail funding, there will be
2 the entire sort of grant application process posted
3 on-line. But then they will also have a Power Point
4 that goes through it and just makes it very easy for
5 people to get a primer on what is going on.

6 So I could see where that could potentially
7 benefit the DAC and the public, to develop a Power
8 Point like that and to post it on the Web site and
9 share with the DAC in our meeting before the meeting
10 of the Draft EIS. Maybe a time that the presentation
11 could be made to us to assist us in providing feedback
12 during the comment period.

13 ACTING CHAIR ACUNA: Maybe we could ask
14 Steve to kind of respond to that. He has been writing
15 down things, and I can see his wheels are turning.

16 DISTRICT MANAGER BORCHARD: Any time you
17 suggest a contractor do something, that's music to my
18 ears. And I think it's a great suggestion. As an
19 outreach, part of an outreach package that BLM would
20 have, I would request the contractor prepare. I want
21 to jump right on that suggestion and adopt it.

22 And I am thinking that we need to think
23 about spring or early summer, as that would be the --
24 probably the better part of our agenda of a meeting
25 that we kind of focus on bringing you up to speed on

1 the conflicts and the results and preliminary results
2 of the impact analysis, because there is going to be a
3 lot of information there. And I think being
4 realistic, we are probably going to want to make this
5 the theme of a spring, early summer DAC meeting.

6 ACTING CHAIR ACUNA: Thank you, Steve.
7 Appreciate that. Hit the "easy button." (That was
8 easy.) So it sounds like to conclude here, we are
9 going to focus more on the following meeting, not the
10 next meeting, where data would be available and have
11 an opportunity to figure out how we each stand and
12 whether we would provide any comment on the various
13 plans. So is there anything else we want to conclude
14 with or questions on the renewable?

15 COUNCIL MEMBER GROSSGLASS: I want to
16 talk about getting the contractor thing to do.
17 Somewhere in that PEIS Draft, whatever the heck -- you
18 know what I'm talking about -- since most of this
19 stuff is going to happen in limited use areas, it's
20 kind of hard for us on the recreation side to figure
21 out how we are going to be affected if you don't know
22 what designated trails we are going to lose. So if
23 you could tell the contractors to make sure the
24 designated trails are shown so I could see there are
25 500 trails that will be lost if this turns into a zone

1 or whatever that is.

2 DISTRICT MANAGER BORCHARD: Now that I
3 know what was previously a capability in my view since
4 my knowledge of GIS is five years behind, we have a
5 pdf with all that data on it, and we will go ahead and
6 update it so our current footprints of all our
7 applications are current. We will go ahead and put
8 that on the Web site and send you out an e-mail for a
9 link for adding it to it. Those of you that are much
10 more savvy with GIS than I am can click those layers
11 off and make individual themes to your heart's
12 content. So we can do that pretty quick.

13 COUNCIL MEMBER HUND: I actually have an
14 example, if you want to see it at the break.

15 ACTING CHAIR ACUNA: Well, Greg, thank
16 you, that was a wonderful update. We all learned a
17 lot, and we are going to be asking you a lot more
18 questions.

19 MR. MILLER: Good. That's what I am
20 here for.

21 ACTING CHAIR ACUNA: So guess what. I
22 guess we are doing okay because we are right on time
23 for a break for 15 minutes, so let's take a break.
24 (Brief recess was taken from 10:37 a.m. to 10:50 a.m.)

25 ACTING CHAIR ACUNA: I would like to

1 call this meeting to order again. Break is over. So
2 let's continue so we can meet our goals and objectives
3 today.

4 We have the grazing update from Anthony
5 Chavez from the BLM Barstow Range Land Management
6 Group. Welcome.

7 MR. CHAVEZ: Good morning, Mr. Chairman
8 and members of the Council. For those interested I
9 have a handout, if anybody would like one.

10 COUNCIL MEMBER BANIS: I will pass it
11 around. Thank you.

12 MR. CHAVEZ: I was invited here this
13 morning to give the Council the status on grazing in
14 the Desert District. I will just wait until the
15 handouts are done.

16 Anyway, my name is Anthony Chavez. I'm the
17 grazing management specialist. I have been there for
18 quite a long time and as the handout says, I want to
19 talk about what is going on currently. And then we
20 will progress back.

21 Currently there are 37 active grazing
22 allotments in the California Desert District. Those
23 are spread out among the five field offices that
24 encompass the CDD. Twenty-five of those are cattle
25 allotments, 12 are ephemeral sheep allotments, and we

1 have one domestic horse allotment just south of
2 Barstow. We currently have 13 vacant allotments. And
3 what that means is that they have a geographic area
4 that's been designated by the land use plan for
5 grazing. Currently we have no permittee or lessee,
6 which can be an individual, organization, association
7 or corporation. So we have these 13 allotments
8 sitting out there and vacant. They have no lessee or
9 permittee. We have 13 of those.

10 Five of these allotments are pending
11 closure through the voluntary relinquishment process.
12 That process was laid out in the various land use
13 plans. It gives us a vehicle by which we can
14 voluntarily relinquish an allotment and classify the
15 allotment as no longer available for grazing. That
16 would be the classification under voluntary
17 relinquishment. And there is a process that you have
18 to go through. So we have five of these allotments
19 pending voluntary relinquishment right now, three in
20 Barstow and two in the Needles field office.

21 There have been three allotments that have
22 been successfully classified as no longer available
23 for grazing. That would be the Valley Wells allotment
24 in Needles and the Whitewater allotment in Palm
25 Springs, and the Pilot Knob allotment in Ridgecrest.

1 Those allotments have finished the voluntary
2 relinquishment process and are classified as no longer
3 available for grazing. The polygon is still there,
4 but no grazing would be authorized. You have to go
5 through a NEPA process, public disclosure, 30-day
6 scoping, all that stuff and issue proposed final
7 grazing decisions to finalize voluntary
8 relinquishment.

9 I have three allotments right now in
10 Barstow that are pending voluntary relinquishment, and
11 I have probably four applications from interested
12 people that qualify under the regulations as livestock
13 operators on those allotments. So although we haven't
14 initiated the voluntary relinquishment process yet, I
15 already have applications, people saying I want to
16 graze there. This is pending voluntary
17 relinquishment. We are not going to act on your
18 application at this time.

19 And if you believe that what we are doing
20 is incorrect, then there is a process to go through
21 under the regulations which is appeal, protest and
22 appeal our decisions. But we are going to move
23 forward on this sometime in the near future and get
24 those allotments closed under voluntary
25 relinquishment.

1 We have eight allotments that are closed
2 and no longer available for grazing that were rendered
3 that way under the various land use plans. There are
4 five in the Barstow field office that were closed
5 under the West Mojave Plan. These were ephemeral
6 sheep allotments that had not been used since the late
7 eighties, early nineties. One in the Palm Springs
8 field office that was closed under the NECO Plan, and
9 two in the Needles field office closed under the NECO
10 Plan.

11 These were land use plan decisions at that
12 level. They closed the allotments or made them
13 unavailable. When I say closed, I mean make them
14 unavailable for future grazing. Polygon is still
15 there on the map, but no grazing would be authorized.

16 DISTRICT MANAGER BORCHARD: If I can
17 expand on that a little bit. It's a land use planning
18 decision to make those allotments unavailable for
19 grazing. Therefore, a future land use plan decision
20 could make them available for grazing. So it's not
21 like a congressional designation; that's a higher
22 level decision that only Congress can reverse. A land
23 use plan decision can be changed with some future
24 planning decision.

25 MR. CHAVEZ: That is very true, Steve.

1 COUNCIL MEMBER RUDNICK: If I may ask a
2 question. On what you just talked about, the land use
3 planning decision that you are not going to graze this
4 area anymore, what is the difference between that and
5 the voluntary relinquishment? Is that more permanent,
6 a voluntary relinquishment?

7 DISTRICT MANAGER BORCHARD: No.
8 Voluntary relinquishment, that means an individual
9 that qualifies and currently holds grazing preference
10 to be issued a grazing permit relinquishes that
11 preference and is no longer -- no longer do I want to
12 hold this grazing permit.

13 MR. CHAVEZ: Like I mentioned, Richard,
14 they would issue a grazing decision signed by the
15 authorized officer. The final decision would say this
16 allotment is now closed and is no longer available for
17 livestock grazing. But everything is reversible.

18 COUNCIL MEMBER RUDNICK: But what
19 bothers me is what you just said. You had three that
20 were up for voluntary relinquishment. You have four
21 applications that would like to take those over, more
22 people than the three that would like them closed, but
23 you mentioned you were going to close them.

24 MR. CHAVEZ: We are going to go through
25 the process. Now, if they believe we are in error,

1 then they can protest the proposed decision. They
2 could appeal the final decision, and IBLA or office of
3 hearings and appeals can have a hearing if it gets
4 that far.

5 COUNCIL MEMBER RUDNICK: It sounds like
6 you have your mind made up already.

7 DISTRICT MANAGER BORCHARD: We have a
8 land use plan decision supported by a biological
9 opinion that says if the current permittee is willing
10 to relinquish their grazing preference, then our
11 decision in this land use plan is to stop -- to cease
12 grazing at this time on this allotment. So we have
13 the land use plan decision that has already gone
14 through the public process that says if the current
15 permittee wishes to relinquish their grazing presence,
16 then we will no longer graze here. And what it is,
17 it's a decision to reallocate forage -- the land use
18 plan level decision to reallocate forage to other uses
19 should the opportunity arise.

20 So it is a decision that's on the books,
21 and BLM is saying, by this decision we prefer -- if
22 the opportunity arises through relinquishment, that we
23 prefer to dedicate that forage out there to recovery
24 of an endangered or threatened species.

25 MR. CHAVEZ: There is a lot of criteria

1 in the various land use plans. If the land use plan
2 identifies a specific allotment and the biological
3 components -- Desert Tortoise, whatever -- it's
4 primarily their management and recovery of federally
5 listed species. So there are -- these have been
6 identified in the land use plan. Any given allotment
7 on that table would say this allotment contains
8 Bighorn Sheep, it contains Desert Tortoise, it
9 contains this or that. And it says these allotments
10 are eligible for voluntary relinquishment.

11 And then in another part of the land use
12 plan, it will give a process of how the voluntary
13 relinquishment process will flow. You get a written
14 letter from the lessee saying I would like to
15 relinquish my grazing permit or lease. And once that
16 has been established, then we go through the NEPA
17 process, tiering off the land use plan. And then we
18 issue a proposed final decision. And at that point,
19 that piece of public land and forage on it will be
20 reallocated for other purposes.

21 COUNCIL MEMBER RUDNICK: I understand
22 what you are saying there, but what percentage or are
23 all allotments available for relinquishment?

24 MR. CHAVEZ: Not all have been
25 identified in the land use plan.

1 COUNCIL MEMBER RUDNICK: What
2 percentage, would you say?

3 MR. CHAVEZ: I would say in that -- in
4 Barstow, it's every allotment except one has been
5 identified.

6 COUNCIL MEMBER RUDNICK: So that's the
7 majority.

8 MR. CHAVEZ: That's the vast majority.
9 We have seven active allotments right now, and six of
10 them have been identified as being eligible for
11 voluntarily relinquishment.

12 COUNCIL MEMBER RUDNICK: What about in
13 other areas, in Ridgecrest?

14 MR. CHAVEZ: Specifically in Ridgecrest,
15 which has the largest grazing program in the CDD, that
16 same table in the West Mojave Plan includes Ridgecrest
17 allotments and Barstow allotments. And these
18 allotments on this table are all eligible for
19 voluntary relinquishment based on biological criteria.

20 COUNCIL MEMBER RUDNICK: How many would
21 that be is my question.

22 MR. CHAVEZ: I don't know because I
23 don't have copy of the West Mojave Plan.

24 DISTRICT MANAGER BORCHARD: Hector, do
25 you know?

1 MR. VILLALOBOS: Nobody but one person
2 has volunteered -- for one allotment has volunteered
3 to relinquish. So the rest of them are not being
4 volunteered to be relinquished except for one.

5 COUNCIL MEMBER BANIS: Was that party
6 active ranchers?

7 MR. CHAVEZ: That was a conservation
8 group.

9 COUNCIL MEMBER BANIS: It wasn't being
10 used?

11 COUNCIL MEMBER RUDNICK: It was being
12 used for grazing until a conservation group bought out
13 the owner, I think.

14 ACTING CHAIR ACUNA: I wanted to add a
15 couple thoughts here for the DAC. I think this is a
16 pretty interesting topic with an opportunity -- I
17 think we are all seeing that. And with respect to
18 grazing, Richard, I look to you to represent that
19 interest and teach us, because traditionally grazing
20 has always been part of the land management plan that
21 the BLM has supported. But on the other hand, from an
22 environmentalist perspective, you are introducing
23 grazing which some would argue has heavy impact to the
24 natural resources on those lands. And then on the
25 third part, you also have other groups looking for

1 opportunities to utilize that land that are outside of
2 environmental interests and outside of grazing.

3 And so what I am coming from here is that
4 I'm guessing large swaths of land are potentially
5 reverting back to preservation needs. And I'm
6 thinking --

7 MR. CHAVEZ: Other multiple uses.

8 ACTING CHAIR ACUNA: Well, maybe. But
9 it seems to me there is more closure of public lands
10 than are actually being opened up. So I would
11 encourage the DAC to have some discussion on this
12 idea. And Richard, I think you ought to kind of start
13 off first. A lot of us would say 100 people benefit
14 from multiuse, one rancher benefits economically from
15 grazing cattle because it's tradition. There are some
16 people that would say it's better to serve the greater
17 than a handful of ranchers. How would you respond to
18 that?

19 COUNCIL MEMBER RUDNICK: I want to thank
20 you. Well, of course an individual rancher -- I mean,
21 his world is enveloped in that permit and it's
22 everything to him. While ranchers try to make a
23 living grazing cattle or sheep or horses, on the
24 permits they also work with all the other groups.
25 They work with environmental groups, they work with

1 wildlife groups, they work with recreational groups.
2 And they are part of the multiple use concept. And
3 they would rather be by themselves there and not have
4 the public there, but understanding that that's what
5 public lands are.

6 To then just say, okay, we have multiple
7 use, but we are going to make things easy. We are
8 going to get rid of the cattle or the sheep because
9 that's the most obvious thing to get rid of and to
10 change. I think it's totally unfair that one entity
11 would be picked upon, one that is making a living on
12 the desert, on the ground, and where the other folks
13 are maybe there permanently, maybe not, recreationists
14 come for weekends.

15 And the wildlife issues generally are able
16 to be worked out with the grazers, with a lot of
17 measures that the grazing folks do to protect the
18 riparian areas, to protect, to not overgraze, to allow
19 for the wildlife that exists there.

20 MR. CHAVEZ: Develop a lot of water
21 sources.

22 COUNCIL MEMBER RUDNICK: A lot of the
23 water sources that otherwise would not be there for
24 wildlife.

25 MR. CHAVEZ: Would not be available in

1 the form it's available now. A lot of those springs
2 were initially just seeps, wet spots on the ground
3 that the rancher actively developed. And now we have,
4 you know, so many gallons a day filling up a trough
5 available for everything, for almost all wildlife
6 species.

7 Another benefit is eyes on the ground. We
8 have -- there have been numerous instances where
9 livestock grazing, the rancher left the area and now
10 without his presence there, the rate of vandalism has
11 gone up substantially. I mean, there is a whole bunch
12 of positive things that can happen when you have an
13 active grazing allotment. It's not all negative.

14 We have all kinds of mitigation built into
15 the leases and permits. And they are monitored very
16 actively. We have good cooperation from the lessees
17 and permittees. When they don't want to cooperate
18 with other uses, they now do, whether they get it
19 kicking and screaming. They do now because that's the
20 reality of it. It's very difficult sometimes when you
21 have increased OHV use and increased vandalism. Your
22 fences are being cut constantly by OHV uses and other
23 folks, the bad apples. Obviously, not all OHV users
24 cut fence, but there are a few that do and cows are
25 everywhere. And it's very difficult and complex

1 sometimes to keep these operations going. The market
2 is not that great.

3 COUNCIL MEMBER MABEN: Thank you,
4 Mr. Chairman. Since you are going to be having these
5 grazing rights relinquished, what is BLM's plan to
6 increase firefighting service to make up for the fire
7 hazards?

8 MR. CHAVEZ: That's another good point,
9 fuels reduction. Well, it depends on where these
10 allotments are. A lot of them are in the desert and
11 the chance of wild fire there is less, obviously,
12 because there is less fuels. But we do have numerous
13 allotments in the foothills and mountains that have
14 big fuel loads. And without grazing going on, it's
15 just obviously -- there are numerous papers that have
16 been published talking about the increased risk of
17 wild fire in those areas without fuels reduction. And
18 it happens through the gazing process or can happen
19 through the grazing process. So that's another
20 concern.

21 COUNCIL MEMBER MABEN: Is there any
22 plans to increase the firefighting service?

23 MR. CHAVEZ: We are fully staffed and --

24 COUNCIL MEMBER MABEN: You are fully
25 staffed is based on the current land use. And when

1 the fire hazards increase, that fully staffed is not
2 going to be adequate to address the issue.

3 MR. CHAVEZ: Well, on one allotment we
4 have had two major wild fires in a 10-year period
5 which has substantially changed landscape. It went
6 from a Juniper overstory and it's called Juniper
7 Flats. It went from a Juniper overstory to a very
8 sparse intermittent. That's been a positive thing
9 from a grazing standpoint because the loss of that
10 Juniper overstory released all kinds of nutrients and
11 water availability and shading issues, so we have
12 tremendous basis for growth now. If you strictly
13 looked at it from a grazing standpoint, it's
14 outstanding.

15 COUNCIL MEMBER MABEN: The fire isn't so
16 intense that it sterilizes the soil and nothing grows?

17 MR. CHAVEZ: I have no control over the
18 fire situation or the fire personnel. But anyway,
19 this next bullet I think, when I wrote it, I went,
20 wow, 24 allotments vacant. Have been closed for a
21 long period involuntarily, or have been closed due to
22 a land use plan decision. This represents a 39
23 percent reduction in overall active grazing since
24 2001.

25 ACTING CHAIR ACUNA: Give us some

1 figures, like with respect to the grazing interest,
2 for those areas that are being retired, how many acres
3 is available that no one wants?

4 MR. CHAVEZ: When I first got to Barstow
5 we managed 1.3 million acres for livestock grazing.
6 1.3 million acres was identified as available for
7 livestock grazing. The last time I turned a report in
8 to the state office, it was 400 -- I can't remember
9 the exact number. We were now down to 480,000 acres.
10 So that gives you an idea. 1.3 million to 480,000.

11 ACTING CHAIR ACUNA: So is it the
12 400,000 acres -- is it that there is nearly 900,000
13 acres that will be retired?

14 MR. CHAVEZ: Say that again?

15 ACTING CHAIR ACUNA: You started out
16 with 1.3 million and down to 400,000, so that sounds
17 like there are .9 million acres that currently have no
18 prospects and could be retired, go back, revert, to
19 not being grazed any longer; is that correct?

20 MR. CHAVEZ: Could be, yeah.

21 COUNCIL MEMBER HOLIDAY: I have a couple
22 questions about this. I want to make one observation.
23 That I think that these people who are voluntarily
24 relinquishing their easements or their permits and
25 other people want them, it seems like there should be

1 a way to transfer those. It seems logical to me. Let
2 me say my other comments before you do that. The
3 other issue is that, okay, these are being
4 relinquished now. What can this land be used for now?
5 Now we are not going to be grazing on it, can we go
6 out there and ride motorcycles on it?

7 MR. CHAVEZ: They already do.

8 COUNCIL MEMBER HOLIDAY: So it reverts
9 back?

10 COUNCIL MEMBER BANIS: No, just grazing
11 doesn't happen on it. Everything else still happens.

12 DISTRICT MANAGER BORCHARD: You asked if
13 people relinquished them, then why can't others come
14 in? Because there is a land use decision that
15 reallocated that forage for other uses. That's why.

16 COUNCIL MEMBER RUDNICK: But not on
17 every allotment.

18 DISTRICT MANAGER BORCHARD: No.

19 COUNCIL MEMBER HOLIDAY: You got here
20 that there is three allotments that have been
21 successfully closed. And then the next bullet item
22 says either allotments were unavailable because of
23 land use decisions. But those three that were
24 successfully closed, were those based on land use?

25 MR. CHAVEZ: No, they went through the

1 voluntary relinquishment process laid out and
2 contained in the various land use plans. So of the
3 ones that have been voluntarily relinquished, we
4 have -- where is that? It's the -- for Whitewater,
5 for example, that's the Coachella Valley Plan,
6 Multiple Species Plan. The Valley Wells allotment,
7 that would be the NEMO plan. And in all these plans
8 there is a provision for voluntary relinquishment.
9 There is criteria and provisions, criteria and
10 process.

11 So first of all, the allotment has to be
12 eligible based on some biological need. Typically
13 it's management and recovery of a federally listed
14 species. And then we follow process. We can't do
15 anything until it's initiated, and it's initiated by a
16 letter from the permittee or lessee saying we want
17 voluntarily to release it early. That's how the whole
18 process starts.

19 COUNCIL MEMBER HOLIDAY: They can't
20 sublease it to somebody else?

21 DISTRICT MANAGER BORCHARD: No, they
22 don't.

23 MR. CHAVEZ: No, there are provisions
24 for running other people's livestock under your permit
25 or lease. It's not technically subleasing, but --

1 there is no subleasing, technically.

2 ACTING CHAIR ACUNA: Let's give Randy a
3 chance here.

4 COUNCIL MEMBER BANIS: Can grazing
5 permits be sold? Purchased? Are they a commodity?

6 MR. CHAVEZ: No.

7 COUNCIL MEMBER BANIS: If you purchase
8 some private property that's within a grazing
9 allotment from a person that holds that allotment, how
10 do you get that allotment?

11 DISTRICT MANAGER BORCHARD: If you
12 purchase -- one way to qualify for grazing permits is
13 to purchase base property that qualifies under the
14 regulations as qualifying you to hold a permit.
15 Traditionally what happens through the relinquishment
16 process is a conservation group will come in and buy
17 either the base property of the current grazing
18 preference holder and -- so you have donated money
19 that goes to retiring grazing on a specific allotment.
20 That's the common group that we work with.

21 The individual or livestock business will
22 decide they are going to go out of the business and
23 take the buyout from the conservation group. And they
24 sell their base property to the conservation group.
25 And now the conservation group holds the grazing

1 preference. They send BLM a letter and request that
2 grazing permit. So we go through an analysis and
3 decision process in compliance with the laws. And
4 then conformance with implementing the land use plan
5 decision to carry out the plan decision to reallocate
6 that forage to other uses in support of a recovery of
7 a threatened or endangered species.

8 COUNCIL MEMBER BANIS: In an allotment
9 not scheduled -- put it this way. If I'm going to
10 apply for a solar project, you are not going to give
11 me the permit unless you know I'm going to build a
12 solar plant. I find it difficult to understand how a
13 person can hold a grazing permit that doesn't intend
14 to do any grazing.

15 ACTING CHAIR ACUNA: It's a great
16 strategy. I mean, wow.

17 COUNCIL MEMBER RUDNICK: That's the
18 difference now than how it used to be. That law was
19 changed --

20 MR. CHAVEZ: 1995 the grazing
21 regulations were revised. And there is a definition
22 of qualified applicant, so if you meet that definition
23 of a qualified applicant and you have base property --
24 base property is the key. There are some states that
25 have base waters. In the California desert it's all

1 base property oriented. So if you meet the
2 qualifications of a qualified applicant under the
3 regulations, then you can qualify and you can apply if
4 you have base property to offer, you can make
5 application for a grazing permit or lease.

6 ACTING CHAIR ACUNA: Having heard all of
7 this, all of the bells and whistles that go along with
8 the regulations here -- and I'm going to fast forward
9 and put a question here on Steve: Where I think we
10 are going is, is it feasible to come up with
11 alternative uses for those abandoned sites or grazing
12 leases, or is that pie in the sky? That's my
13 question.

14 DISTRICT MANAGER BORCHARD: Well, I'm
15 not sure what you mean by "alternative uses." But I
16 keep going back and talking about land use plan
17 decisions and reallocation or reallocation of forage.
18 And I guess I would like to raise this discussion up
19 and kind of build a foundation for an understanding
20 here.

21 BLM went through a process over the years
22 of revising its land use plans and developed what you
23 have heard, WEMO, NECO, various bio-regional plans.
24 Those plans focused on a largely -- there is a reason
25 they are called bio-regional plans -- they focused on

1 biology and management and recovery of threatened
2 species and need for the BLM for comply with the
3 Endangered Species Act within their management plan
4 work. And it's generally agreed -- whether everybody
5 agrees on it or not, it's generally agreed amongst
6 scientists that are charting the course of the
7 recovery of the tortoise that reduction in grazing
8 will have a positive effect on tortoise recovery.

9 And that comes through in the biological
10 opinions. It comes through in the tortoise recovery
11 plan. It's a favored strategy for recovery of the
12 tortoise. So BLM's land use plans incorporate and
13 comply with that recovery plan and went through a
14 process, in cooperation with the Fish and Wildlife
15 Service, and vetted these proposed plans through the
16 public process, analyzed the impacts, and went ahead
17 and made decisions that were sustained to reduce the
18 overall grazing that goes on across the desert.

19 And the method for reducing that grazing is
20 to say in the land use plan that should the current
21 grazing preference holder wish to relinquish, then BLM
22 would go through a secondary environmental analysis
23 process and consider accepting that relinquishment or
24 consider alternatives to accepting that
25 relinquishment, such as changes in grazing management.

1 And then they will make a decision: Are we going to
2 accept this relinquishment or build a fence to protect
3 this area and continue grazing in that area?

4 COUNCIL MEMBER BANIS: May I retort?

5 I'm with you. But I think what the public, including
6 myself, is having is a management plan hangover. And
7 it results from having imbibed too thick of a
8 management plan. And I see this throughout other
9 members of the public as well, particularly up in the
10 Ridgecrest area. Here we are five years later. We
11 say we now have to have a permit for riding a
12 motorcycle in the Rands. Wait a minute. I didn't
13 hear that. That was WEMO. That was five years ago.
14 You're too late. You should have fought it then.

15 Now we've got -- and then the El Paso. A
16 new route designation in the El Pasos. Wait. When
17 was that? That was five years ago. You should have
18 fought it then. And this document was this thick and
19 so many people, particularly members of the public,
20 were focused on maps, just the maps. They are not
21 reading this document. And then there were thousands
22 of routes in place to your favorite places to go to
23 the favorite things to do. And our focus was so stuck
24 on the travel management plan issues.

25 And now the public is seeing all these

1 little paragraphs from here and there coming back to
2 get us. I'm sort of getting used to, oh, that was
3 WEMO. All right. I missed that then. The next one
4 that comes through, we will just be more careful.

5 MR. CHAVEZ: It was a long planning
6 process.

7 COUNCIL MEMBER BANIS: It's a long
8 process and sometimes the public doesn't understand
9 that. They think things happen quickly. Sometimes
10 they do and sometimes they don't. In this case it's
11 just following through to a plan that's going to take
12 a long time to fully implement. Thank you.

13 COUNCIL MEMBER HUND: Well, I just want
14 to say that that's certainly a valid point, but the
15 grazing issue was really very public and very
16 discussed during the development of those plans. And
17 Richard's point notwithstanding about maybe the
18 grazers, grazing activity got their unfair share of
19 being picked on in solving the tortoise issue, the
20 tortoise issue is very real. And the science really
21 shows that competition for forage is really an issue
22 for forage. It's not the only one: Ravens, highway
23 mortality and other things and disease. And so to me
24 the approach for recovery should be balanced and not
25 overly weighted toward one particular action.

1 But for some members of the public like
2 myself that really care about Desert Tortoise recovery
3 and conservation and being able to see them when I'm
4 out recreating, I think overall it's a good trend.
5 But I'm not opposed to all grazing. But I think we
6 really have to take a hard look at each grazing
7 allotment as it relates to the tortoise if we plan to
8 see tortoises out in the desert in the future.

9 MR. CHAVEZ: I believe that was done in
10 the land use planning process. They do take a hard
11 look at every allotment.

12 DISTRICT MANAGER BORCHARD: And when BLM
13 receives a relinquishment request, by policy we take a
14 second hard look and analyze alternatives. Only one
15 of the alternatives is accepting relinquishment. We
16 also look at changing the livestock management.
17 That's kind of one of my pet peeves is people will say
18 grazing is bad. Well, I would suggest that maybe the
19 particular grazing management that you are observing
20 on a particular piece of land is having negative
21 results in a particular valley with the land.

22 So what BLM does is they look at an
23 alternative that would modify the current grazing
24 management, as well as the relinquishment alternative.
25 So a full suite of alternatives is developed and a

1 hard look is taken through an analysis as to whether
2 the best solution for all the values that are
3 attempting to be managed on that particular piece of
4 land could be met by the relinquishment or maybe met
5 by a change in grazing management that would allow
6 continuation of grazing management on that site.

7 By policy we are required to go through and
8 take that really hard look. When we are implementing
9 a land use management plan decision, you have to view
10 this as tiered decisions. We have land use management
11 plan decisions that apply to hundreds of thousands of
12 acres. And when we want to implement a specific
13 action on a 50,000-acre grazing allotment, we take
14 another hard look, another analysis, involve the
15 public once again before arriving at a decision that
16 the best solution for protecting all the values out
17 there we are trying to manage for is to cease grazing.

18 COUNCIL MEMBER MABEN: Thank you,
19 Mr. Chairman. I think grazing is the red herring of
20 the Desert Tortoise Recovery Plan. If you take a look
21 at my district, we have a huge area fenced off where
22 there is no grazing to protect the tortoise, and the
23 tortoise has not recovered. I think there are other
24 issues out there that need to be addressed, and
25 grazing sure isn't one of them.

1 ACTING CHAIR ACUNA: Richard, please.

2 COUNCIL MEMBER RUDNICK: Thank you,
3 Steve, for that analysis that you will take a second
4 look. And I don't mean to discuss or to belabor
5 something that would be crying over spilled milk.
6 These decisions I know have been made, but I think you
7 need to take a look, just as you said: What do you do
8 with another relinquishment? I know -- we don't have
9 the facts here, but you probably have them someplace,
10 how many grazing units are in Desert Tortoise habitat
11 or in Desert Tortoise areas? That needs to be divided
12 out.

13 There is also the fact -- facts that you
14 say that, does grazing necessarily diminish Desert
15 Tortoise. And it's not only Desert Tortoise that we
16 have to worry about, but it's the Mojave ground
17 squirrel that was put in with it. I would like to see
18 what a Mojave ground squirrel looks like. Have you
19 seen one?

20 COUNCIL MEMBER HUND: They are not very
21 big. They disappear quickly.

22 COUNCIL MEMBER RUDNICK: But -- well,
23 that's all I have for right now.

24 ACTING CHAIR ACUNA: I just want to
25 thank you, Steve. Your summary of how the land area

1 plan works and how grazing fits and how it fits with
2 the biological assessments that were considered at the
3 time you created the plans made great sense. And at
4 least for me, the sense that I get here is that the
5 alternative uses is not an easy thing to push based on
6 what has been established thus far. The rules are in
7 place.

8 And so maybe there is a little compromise.
9 If you have a million acres that are opened up and
10 there are potential routes for users to access those
11 areas and at the same time still achieve the original
12 goals, I wonder, is that possible as a compromise?

13 DISTRICT MANAGER BORCHARD: Well, we can
14 take a look at alternatives during that second hard
15 look at the lower level at the allotment level of an
16 analysis. That's what we try and do is look at a
17 suite of alternatives that can achieve all the
18 objectives of the management plan and the existing
19 management plan decisions.

20 ACTING CHAIR ACUNA: What I would
21 encourage the DAC here is if you have some potential
22 constituent that you feel that you would represent
23 that could be served by -- in some fashion by the
24 closure here, what I hear Steve saying is you have an
25 opportunity. But you need to find out where those are

1 happening, those closures. You need to take a look at
2 what it might be that you might represent. But the
3 window is closing. And so if that's something you
4 want to do, you should do it.

5 COUNCIL MEMBER RUDNICK: I remembered
6 what I wanted to conclude with. There is a couple
7 things that I don't understand. For one, in one
8 bullet point you talk about 13 vacant allotments, and
9 down the way you talk about 24 vacant allotments.

10 MR. CHAVEZ: The 24 is an accumulation.
11 It says there are 24 allotments that are vacant or
12 have been closed voluntarily or have been closed
13 through land use plan decisions. So that summation of
14 24 takes into account all three of those processes.
15 Either they are currently vacant because there is no
16 permittee or lessee, or they have been voluntarily
17 relinquished or closed by a land use decision.

18 COUNCIL MEMBER RUDNICK: I understand it
19 now. Thank you.

20 And the other thing that I think is more
21 important than number of allotments is the actual
22 number of livestock. How many cattle, how many sheep,
23 how many horses are allowed to run on the desert or
24 are running on the desert now? And how many used to,
25 and how is that balanced because allotments can be

1 anything from five head to 5,000 head.

2 MR. CHAVEZ: I don't have those numbers
3 with me, but I can tell you in the Barstow field
4 office there has been a substantial reduction in
5 stocking rates. And I think a lot of that's market
6 driven. It has nothing to do with the grazing
7 preference or permitted use which allows 350 head
8 yearlong and they are only running 25. I think that a
9 lot of those decisions made by those individuals are
10 market driven. But the beef market has crashed,
11 whatever. The cost of doing business is so high I
12 can't afford to run my full permitted use so I'm going
13 to run 100 head instead of 350. A lot of that is
14 market driven.

15 COUNCIL MEMBER RUDNICK: So whatever
16 percentage of reduction of livestock grazing on the
17 desert now, has it shown a remarkable increase in
18 Desert Tortoise or other wildlife?

19 MR. CHAVEZ: Those trends, those
20 population trends, especially in Desert Tortoise,
21 happen very, very slowly. So it takes a long time to
22 detect change in population status. I can tell you
23 that the allotments that were closed under the West
24 Mojave Plan haven't had sheep grazing since '88, '89.
25 But Desert Tortoise populations have fallen

1 precipitously in those areas, and it's primarily due
2 to disease.

3 So we closed the allotment, but even though
4 the allotment was in the nonuse status since the late
5 eighties, early nineties, and in those particular
6 situations it has not benefited the tortoise, the
7 tortoise numbers crashed for other reasons, primarily
8 disease. So we won't know whether the lack of grazing
9 actually benefited the tortoise in those instances,
10 but there has been lots of published literature that
11 indicate that in the absence of grazing, more forage
12 is available, less physical impacts occur, so you
13 can't ignore the published literature.

14 COUNCIL MEMBER MABEN: Just one comment.
15 It's more than market driven on the reduction of
16 stock. We had the privilege, what, a year or two ago
17 of having dinner out by a ranch holding near Barstow
18 where the gentleman had instituted best management
19 practices to sustain his livestock capability, so a
20 good rancher will keep it going.

21 MR. CHAVEZ: Yes, I agree. But these
22 are all good segueways into my last bullet, which is,
23 when Steve was talking about taking the analysis
24 process down from the land use plan down to allotment
25 specific analysis, that's what we are doing for the

1 renewal of grazing permits or leases.

2 We have completed our permit process in the
3 Barstow field office; we completed that in 2008. And
4 every single decision we issued were appealed by
5 environmental groups, Center of Biodiversity. You
6 name it. Desert Survivors, Sierra Club. They were
7 all appealed. And we have successfully won all of
8 their appeals. So -- and during the grazing renewal
9 process, we will typically go out and do a range of
10 health assessment. There is a process, an
11 interdisciplinary practice process where we go out
12 there and reassess the various -- the various
13 ecological sites within the allotment. We look at
14 riparian health and we write up an evaluation, an
15 assessment, a determination of our range health
16 assessment. And that then is part of a very site-
17 specific environmental assessment that we prepare for
18 the renewal of grazing leases and permits.

19 So we take it down from the land use plan
20 level all the way down to the allotment level and we
21 arrive at a very comprehensive environmental
22 assessment. One of them that I wrote was 77 pages
23 long that includes the maps and everything else. So
24 at that point -- that is another opportunity to change
25 the grazing strategy that's currently in effect.

1 If we determine through the assessment that
2 we are having unacceptable impacts and not achieving
3 the standards established in our grazing regulations
4 that have been established in the land use plans which
5 haven't been approved by the Secretary yet, but we are
6 using the fallback standards in the regulations, if we
7 determine that we are not achieving those standards,
8 then we make changes in grazing strategies so we can
9 make positive progress for achieving those standards.

10 So at that point we make changes to
11 livestock management. We develop different grazing
12 strategies. We fence off all the riparian areas and
13 pipe the water out to a trough farther away. We do
14 all kinds of things to ensure that we are making
15 positive progress for achieving those standards --
16 those are the standards that determine if change is
17 necessary.

18 If we go out there and do an assessment and
19 we are achieving all the standards, we have healthy
20 cows and happy ranchers and we have achieved all the
21 standards, there is no need to make a change there.
22 But that's not always the case, and we make those
23 determinations when we write that site-specific,
24 allotment-specific evaluation.

25 COUNCIL MEMBER RUDNICK: The analysis

1 you just made is very good. And a rancher spends his
2 lifetime doing these things and trying to improve the
3 waters and trying to improve the wildlife situation
4 and trying to get along with the off-road vehicles and
5 the other recreationists, the hunters and everybody
6 else that's allowed on the land. And it makes sense
7 to me that when you try to implement all these
8 management strategies in allotment management plans
9 that we draw up and the BLM constructs, and we have a
10 certain amount of rules and we try to live up to these
11 rules and we work under this management strategy, and
12 then all of a sudden -- well, our permit is up for
13 relinquishment. And so rather than --

14 MR. CHAVEZ: That would only be if you
15 wanted it to be, because the key to voluntary
16 relinquishment is the "volunteer" part of it. I mean,
17 somebody has to want to relinquish their permit or
18 lease.

19 COUNCIL MEMBER RUDNICK: Well, I guess
20 my point is you go through all these hoops and you try
21 to do the best job you can. And it seems like the BLM
22 has an easy way if it's idled or if it's relinquished,
23 to not allow another rancher then to take over. Maybe
24 a man retires, gets old. He doesn't want to fight the
25 battle anymore.

1 The easy way for the BLM then is to just
2 idle it and use that as mitigation or whatever for a
3 Desert Tortoise or something else, which we all want
4 to see the animals and the tortoise and the other
5 wildlife out there. I don't think there is one group
6 that doesn't want to see them and promote them. But
7 my point is, Is there a way we can work together
8 closer? Maybe the cat's already out of the hat here
9 and it's too late. But I hope it's not. And thank
10 you for your presentation.

11 ACTING CHAIR ACUNA: I think, DAC, it's
12 lunchtime right now. And we have an hour and a half
13 for lunch. But I'm going to suggest that we cut it
14 down to an hour if it's at your desire to do that. We
15 are not done with you yet, Anthony. We are almost
16 there, so don't take off. But I just want you to
17 consider that so we have to wrap this up and keep
18 moving here. Are there any last questions for
19 Anthony? Do we have what we need?

20 MR. CHAVEZ: If there are any other
21 questions, I would be glad to try to answer them,
22 sure.

23 COUNCIL MEMBER GUNN: When a grazing
24 right is retired, what I have noticed -- I guess this
25 isn't BLM land; it was Mojave Preserve land -- that

1 they shut down the ranchers' water sources because
2 they were considered unnatural.

3 MR. CHAVEZ: Well, the Park Service has
4 different regulations.

5 COUNCIL MEMBER GUNN: So that is not the
6 case with BLM?

7 MR. CHAVEZ: No. In fact, we have had a
8 lot of internal discussions: What would we do with
9 the waters out there? Would BLM keep and maintain
10 those waters for wildlife? Would we change the
11 delivery system of the water? Instead of having a
12 trough, maybe build a reservoir that's more accessible
13 to some wildlife species? Those are the kinds of
14 discussions we have. Are we going to keep this fence
15 up or take it down, because now we have increased OHV
16 use, for example, and this fence could be considered a
17 hazard. There are also kinds of things that we
18 consider and look at after grazing has ceased on a
19 particular piece of public land.

20 ACTING CHAIR ACUNA: One more question.

21 COUNCIL MEMBER HOLIDAY: This isn't a
22 question; it's an observation.

23 I wanted to make a comment on Randy's point
24 there about the management plans. And we have more of
25 them coming down, not necessarily management plans,

1 but we have a bill coming up here by Senator
2 Feinstein. I think it behooves us to look at every
3 one of those lines on that bill to look and see what
4 is going to happen, what that is going to do to you
5 down the road. Because, as you say, you gloss over
6 some of those things and it doesn't matter right now,
7 but maybe down the road.

8 ACTING CHAIR ACUNA: Great point.
9 Council, are we ready to bring this one to a close
10 here? Anthony, we appreciate your expertise and your
11 knowledge and insight.

12 (Applause from the audience.)

13 ACTING CHAIR ACUNA: So do we want to
14 make it lunch for an hour and a half or an hour? What
15 is your preference? One hour, or half an hour, or ten
16 minutes or no lunch at all? Why don't we get back
17 here at a quarter to 1:00.

18 COUNCIL MEMBER HUND: I think to even
19 get served, we might need an hour and 15 minutes.

20 ACTING CHAIR ACUNA: All right. One
21 o'clock it is.

22 (Lunch recess taken from 11:45 a.m. to 1:01 p.m.)

23 ACTING CHAIR ACUNA: Okay. Everybody,
24 I'm going to call this meeting. We are in action now.

25 We are going to move on to a really

1 interesting topic. We are going to talk about nudity,
2 drunkenness and fun. And to lead us into this
3 discussion is going to be Lynette Elser from the BLM.
4 She is going to introduce some new rules and
5 regulations.

6 MS. ELSER: I guess before I start going
7 into the specific rules -- you do all have them in a
8 handout -- I wanted to go over the areas they will be
9 effective in, because there is some difference in the
10 rules. And in your handout I did underline the
11 different areas. Some of them will be effective in
12 the OHV open areas and then developed sites and areas.

13 The definition for developed sites and
14 areas is also in your handout, but in general it means
15 the campgrounds, the areas where we have
16 infrastructure.

17 Then there are other rules at all locations
18 or all BLM-managed lands, the wilderness and limited
19 use areas that are specifically developed.

20 So the first rule is "Public nudity is
21 prohibited at all OHV open areas and developed sites
22 and areas." Within the handout there is also a
23 definition of "nudity."

24 ACTING CHAIR ACUNA: Could you read that
25 for us, please? I think it's important.

1 MS. ELSER: This is the definition of
2 public nudity. "Public nudity is defined as being
3 nude in any place where a person may be observed by
4 another person. Any person is nude if the person has
5 failed to cover the rectal area, pubic area, or
6 genital area. A female person is also nude if she has
7 failed to cover both breasts over the entire areola.
8 Each such covering must be fully opaque."

9 ACTING CHAIR ACUNA: Okay. There must
10 be some sort of problem; otherwise, we wouldn't have
11 this rule. Can you illustrate what the problems are?

12 MS. ELSER: There actually is currently
13 an interim rule at the Imperial Sand Dunes Open Area,
14 and it was because people were driving around on their
15 ATVs completely naked, and it's offensive to some of
16 the other visitors.

17 ACTING CHAIR ACUNA: Okay. This is an
18 important topic. This is a Fifth Amendment, freedom
19 of speech.

20 COUNCIL MEMBER RUDNICK: Don't County
21 laws, State laws supersede something like this? What
22 is the need for another regulation?

23 MS. ELSER: The reason that we have the
24 regulation is because in some of the areas, our law
25 enforcement don't have the State authority because of

1 the relationship we have with the sheriff's
2 department. Other areas they do have State authority,
3 so we wanted a Federal law for those areas where we
4 lack authority.

5 COUNCIL MEMBER BANIS: Hi, Lynette.
6 Long time.

7 MS. ELSER: Yes, it has been.

8 COUNCIL MEMBER BANIS: Are there any hot
9 springs or traditional clothing optional areas that
10 are affected by these? And these have not been
11 instituted. This is an information item; correct?

12 MS. ELSER: No, these have not been.
13 These are proposed.

14 COUNCIL MEMBER BANIS: Are there any hot
15 springs or clothing optional area that are affected?

16 MS. ELSER: There could be some hot
17 springs under the developed site area as part of the
18 definition.

19 COUNCIL MEMBER BANIS: Do you know of
20 any?

21 MS. ELSER: I'm not familiar enough with
22 all of our hot springs to know whether or not they
23 would actually be considered developed sites. There
24 is a definition in the package of what the developed
25 site is. Do you want me to read that?

1 COUNCIL MEMBER BANIS: I have read that.
2 But if it's an undeveloped, then it's --

3 MS. ELSER: Right. If it's undeveloped,
4 it's not covered by this regulation. We were very
5 careful to keep this -- trying to focus on the
6 campgrounds and the OHV open areas, and not to
7 regulate the whole BLM land.

8 COUNCIL MEMBER BANIS: So the
9 development is the key. Okay. Thank you.

10 DISTRICT MANAGER BORCHARD: There is a
11 developed hot spring in El Centro over on the East
12 Mesa, but I think most people traditionally wear
13 clothing there; right, Vicki?

14 MS. WOOD: We get the sheriff called
15 regularly, I would say.

16 DISTRICT MANAGER BORCHARD: So we do
17 have a developed hot spring that this would apply to
18 there.

19 MS. ELSER: At the same time, Vicki, do
20 El Centro officers have the State law enforcement
21 authority so they could currently write tickets?

22 MS. WOOD: They do.

23 MS. ELSER: San Bernardino is the county
24 where we don't have the authority. Imperial there,
25 they have authority to write tickets.

1 COUNCIL MEMBER JOHNSTON: Would it also
2 affect equestrian nudity?

3 DISTRICT MANAGER BORCHARD: You mean a
4 nude horse?

5 COUNCIL MEMBER RUDNICK: No problem.

6 There is areas -- I hear -- there are areas
7 on the desert that are traditionally nudist areas,
8 like Saline Hot Springs. Is that --

9 DISTRICT MANAGER BORCHARD: Park
10 Service.

11 COUNCIL MEMBER RUDNICK: Whew!

12 ACTING CHAIR ACUNA: We are making fun,
13 but we don't get good topics like this very often.

14 MS. ELSER: That's okay. We had a lot
15 of fun when we were working with this in-house, as
16 well. I think we embarrassed Jack Hamby at times.

17 ACTING CHAIR ACUNA: But going on, this
18 write-up that you have done is a lot more than just
19 nudity. There are a lot of enforcement issues that
20 the BLM faces. And in reading this, it became
21 apparent to me that controlling people sometimes is
22 difficult if you don't have these kinds of policies in
23 place. And that's the only way you can do it. You
24 have to be able to point to some regulation. So I
25 don't mean to keep you from continuing in your

1 presentation, but I want you to know I think it's
2 important.

3 MS. ELSER: Thank you. We agree, that's
4 why we worked long and hard on what rules we do need
5 in order to control behavior. Because our goal isn't
6 to restrict people; it's to be able to say to
7 families, come and camp here. It's okay. And you are
8 not going to have the guy next door running around
9 naked and having your daughter look at him. That's
10 what our goal is: To make these family friendly
11 camping areas.

12 Are we ready for the second one? "No
13 person shall ride or transport another in or on a
14 portion of an off highway vehicle, as defined by 43
15 CFR 8340.0-5. . ." That basically means every vehicle
16 is an off highway vehicle. It doesn't matter if it's
17 your Honda Civic if it meets that definition. " . . .
18 or a trailer in an area not designed or intended for
19 the transportation of passengers at any location."

20 What we were trying for avoid here is the
21 family that throws their kids in the back of the
22 pickup truck or in some cases they load up an open
23 trailer and they have everything strapped down and
24 they have their ATV strapped down and their motorcycle
25 strapped down. And riding in and out of the access

1 road, they let their child sit on the back of the ATV
2 or the motorcycle that's strapped down.

3 We are trying to get the people from not
4 sitting on the fender of their car or truck as they
5 are riding through the dunes. So it's trying to get
6 everybody into a seat with a seat belt. But we didn't
7 want to say it that way because in some places you
8 have vehicles that are older and some types of
9 vehicles don't have seatbelts. When you try to look
10 at the larger picture of what people are riding, it
11 was hard to come up with a definition that basically
12 says ride where you are supposed to. So law
13 enforcement worked together, from the district office
14 and El Centro, to come up with a definition that they
15 thought would be legally enforceable. Questions?

16 The next one is, "No person shall use
17 firewood or have in their possession any firewood
18 materials containing nails, screws, or other metal
19 hardware, including but not limited to wood pallets
20 and/or construction debris at any lands managed by
21 BLM."

22 DISTRICT MANAGER BORCHARD: Across the
23 desert.

24 MS. ELSER: Right, across the desert
25 everywhere.

1 COUNCIL MEMBER HOLIDAY: That's one of
2 my big pet peeves, especially in Imperial Sand Dunes
3 Recreation Area, is picking up nails that people have
4 left from burned pallets, buckets and buckets of
5 nails. And in the past the officers could not cite
6 for having a pallet. They can cite for leaving the
7 nails there, but they are long gone. So hopefully
8 that's one of the major issues of these rules here is
9 to be able to kind of cut down on that kind of
10 activity.

11 MS. ELSER: Next one: "The possession
12 of glass beverage containers is prohibited on all
13 lands." And at first we thought about whether it
14 should just be the open area and the campgrounds. But
15 then we have other areas that have limited use where
16 they will take their beer bottle and shoot it after
17 they've finished drinking. And we really don't like
18 the broken glass anywhere. So we proposed this one
19 for all lands. And we did limit it to the glass
20 beverage containers as opposed to all glass, because
21 in some areas where people are camping long term may
22 want pickles or other things that come in glass
23 containers, and we thought those weren't our main
24 problem. It was mostly the beverage containers.

25 COUNCIL MEMBER BANIS: Are they finding

1 demonstrated abuses of wine bottles also being broken
2 up and shot up?

3 MS. ELSEER: I have not heard of that,
4 but at the same time I think law enforcement could
5 consider wine a beverage.

6 COUNCIL MEMBER BANIS: That's also --
7 that's also a common addition to the food supply of
8 some of the back country family travelers. Maybe
9 unintended impact of that, but maybe not.

10 DISTRICT MANAGER BORCHARD: The officer
11 always has discretion in enforcement of the law.

12 COUNCIL MEMBER BANIS: So if it's good
13 wine --

14 DISTRICT MANAGER BORCHARD: No two buck
15 Chuck.

16 MR. HILLIER: It comes in a glass bottle
17 too.

18 COUNCIL MEMBER JOHNSTON: I might
19 suggest, just as they have done with the beaches in
20 Southern California, if you just restrict glass,
21 period. Forget the pickle. People can put it in
22 Tupperware if they want to bring it along. But I
23 think then you get out of the interpretive mode if you
24 just restrict glass, period, from the areas.

25 COUNCIL MEMBER HOLIDAY: One issue -- I

1 don't really want wording in here to address this, but
2 we do have the issue of picking up a glass bottle that
3 you found discarded. And I think that that again goes
4 back to an interpretation by a law enforcement
5 officer. If I pick up one when I'm out riding and I
6 bring it back and put it immediately in my trash --
7 but that's just a side issue that we have to deal with
8 as far as picking up other people's trash.

9 ACTING CHAIR ACUNA: Don.

10 COUNCIL MEMBER MABEN: Possession of a
11 glass bottle within your motor home or trailer, is
12 that going to be included? Or is it only outside your
13 domicile?

14 MS. ELSER: The way it's written, it
15 would include inside because it's all lands. So if
16 your trailer is on our lands, then it would be
17 included. At the same time if you are inside, I'm not
18 sure how law enforcement is going to know how you have
19 it.

20 COUNCIL MEMBER MABEN: That's going to
21 be a Constitutional challenge.

22 COUNCIL MEMBER JOHNSTON: You can't have
23 illegal search and seizure anyway into your private
24 residence.

25 COUNCIL MEMBER BANIS: That's coming,

1 though.

2 COUNCIL MEMBER MABEN: You may want to
3 check with your counsel on that.

4 ACTING CHAIR ACUNA: Or least tweak the
5 wording to give it the flexibility that you need, as
6 they pointed out.

7 MS. ELSER: Okay. As a whole, is there
8 an agreement to glass beverage containers or as a
9 whole, would you rather have glass containers?

10 COUNCIL MEMBER MABEN: The beer I drink
11 only comes in a glass bottle.

12 COUNCIL MEMBER BANIS: With all due
13 respect to Ron, I would rather things need to be done
14 a little incrementally and start where the real
15 problem is. And that real problem tends to be beer
16 bottles and soda bottles. And if that doesn't work,
17 I'm all for doing what needs to work. But go to the
18 real problem and move on from there. I'm sorry to
19 disagree.

20 COUNCIL MEMBER JOHNSTON: That's
21 perfectly all right.

22 MS. ELSER: The next one is, "No person
23 shall place into the ground any non-flexible objects
24 such as, but not limited to, metal or wood stakes,
25 poles or pipes with the exception of small tent or

1 awning stakes at any OHV open area or developed sites
2 and areas."

3 What we are trying to avoid here is mainly
4 the people that take a wooden stake or rebar to mark
5 off an area around their camp for their riding. It's
6 especially hazardous in the dune-type areas because
7 people will come over and they are committed. They
8 can't turn; they can't go back up. And there they see
9 an area that's delineated with rebar. And we are
10 afraid that eventually somebody is going to get
11 impaled. We are not saying they can't make a safe
12 area for the little kids to play, or to keep somebody
13 from coming right into their camp, but they can do
14 that with construction cones, things that won't impale
15 somebody.

16 COUNCIL MEMBER GROSSGLASS: I guess I
17 don't want to say this, but I do. I guess this would
18 be a problem for the race organizations, though. They
19 put stakes up and mark where to go to get to the
20 races. I don't see a disappearing person here right
21 now. I was searching for the name. But that's how
22 they mark -- sometimes how to get to the race courses,
23 sometimes the finishes. Don't we use wood stakes?

24 UNIDENTIFIED SPEAKER: You have danger
25 markings on the wooden stakes.

1 MS. ELSER: There is a preamble to all
2 these rules. And the preamble says "unless you are
3 given other authorization." So they would have a
4 permit that allows it. We also have mining claims or
5 grazing allotments that can have markings that are
6 different. So there is a whole preamble to this that
7 basically says if you are a BLM employee, you are not
8 covered, and if you are authorized under some other
9 authority, then it doesn't apply.

10 COUNCIL MEMBER GROSSGLASS: I guess I'm
11 wondering if we are making a rule for a problem that
12 hasn't come up yet. We are afraid it might happen but
13 it hasn't happened yet. I don't know that if I want
14 to put some stakes out saying this is my little
15 camping area -- I mean, if this has actually been an
16 issue, people are getting impaled and this is
17 dangerous, let's make a rule.

18 If not, I don't want to make a rule for no
19 reason.

20 ACTING CHAIR ACUNA: Randy, do you have
21 a comment?

22 COUNCIL MEMBER BANIS: Just that I know
23 with the Dumont Dunes TRT, this actually came from the
24 users. This was the first time that the users group
25 collectively brought it up. I didn't know if it had

1 ever been on your agendas either. So that's where I
2 first heard of it.

3 COUNCIL MEMBER HOLIDAY: It can be a
4 problem when you find rebar pounded in the ground.
5 And I think if you are going to delineate areas, I
6 have cones in my trailer that I am going to put out
7 for my grand kids. And that's a much safer thing for
8 them too. If they run over one, they are not going to
9 get hurt. So I think the rule is a viable rule. And
10 I know at Dumont, I stopped up there out on a little
11 vacation out there in a little dune area there. I was
12 amazed at how many rebars are sticking up out of the
13 ground there.

14 COUNCIL MEMBER BANIS: It's a practice
15 there.

16 MS. ELSER: Rebar is easy to put in the
17 ground and easy to tie off.

18 ACTING CHAIR ACUNA: Let's move on to
19 the next one.

20 COUNCIL MEMBER RUDNICK: One more
21 comment. It seems to me that maybe -- and you guys
22 that use like the dunes and those places are more
23 aware of it than I am. Is it more of an issue for a
24 location? I can see a far-reaching problem that was
25 just brought up. What about steel fence posts in the

1 ground? And I know in some surveys they have used
2 steel fence posts that are probably four or five feet
3 out of the ground marking either pipelines or routes
4 or for environmental studies have put them in to mark
5 areas and all that.

6 DISTRICT MANAGER BORCHARD: This one
7 only applies in the OHV open areas.

8 COUNCIL MEMBER RUDNICK: You actually
9 read it?

10 MS. ELSEER: This one is for the open
11 areas and the developed sites. And within those
12 areas, though, if there is a survey or if there is
13 something going on that they put stakes in a mining
14 claim, they would have other authorization. And the
15 preamble to all these rules does say if you have other
16 authorization from BLM, you are exempted from these
17 rules. So they would have written authorization
18 saying you could do a survey and with the survey you
19 could put stakes out.

20 COUNCIL MEMBER RUDNICK: What is the
21 penalty for drinking good wine in a glass bottle?

22 MS. ELSEER: Well, if Randy is going to
23 share with you -- the penalties for these are set up
24 under a regulation that we don't have control over.
25 And it's a maximum penalty. It's not realistic.

1 Nobody is ever going to get it. It's \$100,000 and six
2 months in prison. I don't know that there is a
3 federal magistrate that says Randy has that high of a
4 penalty for his wine.

5 COUNCIL MEMBER MABEN: Just to follow up
6 on that, since it's BLM property, we have the Jawbone
7 Visitor Center. A visitor comes in with their motor
8 home to go to the center and learn a little bit about
9 the desert. They are taken to jail for possession of
10 a glass bottle?

11 MS. ELSER: My sense is if they had that
12 glass bottle and they pulled in there to use the
13 visitors center to visit, they would have to really do
14 something to get the law enforcement attention.

15 COUNCIL MEMBER MABEN: The law is
16 written the way it's written. I would hope you can
17 take another discussion on it and look at it. 100,000
18 bucks a bottle, that's an expensive wine.

19 COUNCIL MEMBER BANIS: A little more
20 than I paid for it.

21 MS. ELSER: Next one is -- this one is
22 Dumont specific. And it's to try to deal with the
23 issue that we have to get law enforcement and
24 emergency medical services through an area that gets
25 very congested. And it says, "No person shall park,

1 place, occupy or camp in a tent, trailer, motor coach,
2 fifth wheel, camper, or similar vehicle or structure
3 within the area commonly known as the Competition Hill
4 Quarter and Competition Hill located at the Dumont
5 Dunes OHV area." And that's to move them out of the
6 traffic corridor so we can have access for
7 emergencies.

8 The next one is, "The reservation or saving
9 of camping spaces for others is prohibited within the
10 boundaries of all OHV open areas and the developed
11 sites and areas."

12 That's giving us a lot of problems on
13 holiday weekends where somebody comes out a week or
14 two ahead and they claim a huge chunk of land for
15 their friends to come later. Somebody else comes up
16 and there is not a lot of spaces left and there is
17 somebody with a huge bunch of real estate and they
18 want to park there. So we do have issues with
19 neighbors. It's just saying first come, first served
20 for everybody.

21 ACTING CHAIR ACUNA: How does one -- I
22 go camping and I go to the site. Now I can claim my
23 little area for my little camper. And is it 50 feet
24 by 50 feet or 100 by 100 feet? Or is it a cone that
25 it goes out 300 feet with ribbon on it? How does one

1 judge it's a sufficient amount for you to claim for
2 your own use?

3 MS. ELSER: I think it's going to go
4 back to judgment. And just as a practical purpose, if
5 you go out there in the summer you can probably claim
6 the whole place as yours. But if you go out there on
7 Thanksgiving, you are going to be shoulder to shoulder
8 with your neighbor.

9 COUNCIL MEMBER HOLIDAY: At least at
10 Glamis area, rangers are pretty reasonable from the
11 standpoint if you have 10 feet behind or in front of
12 your motor home, enough room to go get your car, they
13 are probably not going to hassle you. But the people
14 that put on the 400 feet of cones and tape are the
15 ones that you are really driving these rules for.

16 And many of these things are all a judgment
17 call by the rangers, like you say. You can have a
18 glass bottle in your motor home, you can pour it in a
19 cup and bring it outside. But if you are wandering
20 around outside, you are going to sit around your camp
21 fire and at the end of the night you are going to
22 throw that bottle in the fire and there is going to be
23 glass there. And everybody always says, oh, I'm going
24 to pick it up in the morning, but they don't.

25 So we end up with a lot of trash. So the

1 idea is to stop it right at the beginning. And I know
2 a lot of people only bring beer in bottles, put in a
3 paper cup and bring it outside. So that's kind of the
4 way the rangers look at it.

5 COUNCIL MEMBER BANIS: I wanted to know
6 one thing, though. We have talked about this also at
7 the Dumont Dunes TRT. And we felt it unreasonable for
8 reserving vast tracts of land; we found that we didn't
9 like that idea. But there are also camping areas
10 provided by the BLM that are fee campgrounds. And if
11 there is a fee involved and you put the money in the
12 box, isn't that a little different than just opening
13 up your cones and expanding the size of your campsite?

14 And the reason I bring this up is it's
15 often common, let's say, at Afton Canyon for an
16 educational research group going out and camping that
17 will be a multi-party group, and they will generally
18 try to camp in adjacent campsites and they will
19 reserve them, or Boy Scouts. And I'm thinking that
20 might not be unreasonable and I just wondered if
21 people felt that way.

22 MS. ELSER: If it's a fee campsite, a
23 designated spot, as long you are paying a fee for each
24 spot, you're paying for it. It's yours.

25 COUNCIL MEMBER BANIS: Not a reservation

1 fee.

2 MS. ELSER: Right, you bought it.

3 ACTING CHAIR ACUNA: So we have heard
4 all of the rules at this point?

5 MS. ELSER: One more. The last one is
6 at the request of the law enforcement. They have had
7 concerns where they enter into a campsite that's a
8 total pigsty, and they say you've got to pick up the
9 trash. There's no littering. And they can't cite
10 because nobody will say who put the trash on the
11 ground. With the current littering laws, they have to
12 be able to say who littered.

13 So they want to reverse it so the rule is,
14 "All persons shall keep their sites free from trash or
15 litter during the period of occupancy for all lands."
16 That allows them to go into a campsite that's messy
17 and say, "It's messy. You all can have a citation."
18 They don't have to try to play the game of trying to
19 figure out who put the trash there.

20 ACTING CHAIR ACUNA: I like that. These
21 are great rules it sounds like. Are there any changes
22 that the DAC would propose to these regulations?

23 COUNCIL MEMBER FITZPATRICK: Am I on? I
24 have been silent so far, but I always have to state
25 the obvious.

1 You said that barring other authorizations.
2 So the film community comes out there to film. You
3 are going to have like one, five, you are going to
4 have issues. If it's not in the public, we are going
5 to make sure that it's understood by rangers on duty.
6 And this is where the problem is going to be, as I see
7 it; that people will know that this came out and they
8 will try to apply it universally without making
9 exceptions to, like, filming content. I'm not saying
10 that you are going to have a pornographic film out
11 there, subject to those kind of limitations. But
12 nonetheless there are things that film people are
13 going to do. Would that be considered in here.

14 MS. ELSER: The filming permits say
15 specifically what they can do. And we have had
16 applications for nude photography. So their
17 applications will say what they can do and it goes
18 through the entire environmental review. And then
19 they are issued the permit, so that film permit will
20 definitely give them their own separate rules from
21 this.

22 And when we do our ranger orientation to
23 the new rules, we will have to stress with them that
24 there are exceptions that will come up. And this is
25 the general for the common public that doesn't have a

1 piece of paper saying they can do otherwise.

2 COUNCIL MEMBER FITZPATRICK: Thank you.

3 COUNCIL MEMBER HOLIDAY: I think that
4 trying -- like Lynette said, we don't want to have any
5 more rules than necessary. But what she is trying to
6 do is put in some common sense rules that will help
7 the environment and help the desert from the
8 standpoint of broken glass, nails, poor behavior,
9 people littering and not having the authority to cite
10 them. Driving stakes in the ground, film people may
11 do that. They need to remove them.

12 And I think from the standpoint of the
13 rules, they are not really -- they are not like you
14 said, trying to restrict anybody. They are trying to
15 keep order and keep a clean environment. So from that
16 standpoint, there are probably exceptions being taken
17 care of through special permits. And if those permits
18 need to be -- I'm sure if the film industry gets a
19 bunch of trash, they are supposed to pick it up before
20 they leave.

21 COUNCIL MEMBER FITZPATRICK: They are
22 supposed to leave it better than they find it.

23 COUNCIL MEMBER HUND: I have been
24 struggling a bit with the glass container provision
25 because I, like Don, often drink beer that doesn't

1 come in a can, although some of the beer I drink does
2 come in a can. And also Randy mentioned wine.

3 And yet on the other hand, I have been
4 camping on remote areas and developed areas on BLM
5 land where people have broken glass containers and
6 made a mess. However, given that I think just your
7 average person out there that doesn't do that kind of
8 littering might want to, when they are remote camping,
9 take a nice six-pack of beer and imbibe it while they
10 are out there, it seems to me like that should be a
11 real consideration, considering people's experience
12 when we they are out camping and relaxing and wanting
13 to have a glass of wine or a bottle of beer.

14 And I'm just wondering how pervasive this
15 problem is. And as a first step it might be better to
16 have that regulation apply to areas where it's a
17 problem. And I'm going to use the example of State
18 Parks. I have worked for State Parks for 25 years as
19 a ranger and as an ecologist. And we prohibited glass
20 containers on places like on public beaches where we
21 have a problem, but not in our developed campsites.
22 So I'm just putting that out there for discussion
23 purposes.

24 But I would also like feedback from the BLM
25 folks just how pervasive this is. Is it really that

1 pervasive everywhere, and if it's not, I suggest that
2 maybe you consider incrementally doing this and
3 starting where there is really a problem and not
4 making it on all lands.

5 ACTING CHAIR ACUNA: Richard, you have a
6 comment.

7 COUNCIL MEMBER RUDNICK: I agree with
8 Geary. I would like to see it limited to the areas
9 that there could be a problem. And how big a problem
10 is it with broken glass around the camping areas?
11 It's big now?

12 COUNCIL MEMBER HUND: Are you talking in
13 the open riding areas?

14 MS. ELSE: It's big in the campgrounds
15 as well. A lot of times the fire pits will have the
16 remains of broken bottles.

17 COUNCIL MEMBER BANIS: And in limited
18 use areas you will find them around the cabin sites.
19 And in some of the traditional shooting areas you will
20 see that, and those are outside.

21 COUNCIL MEMBER RUDNICK: Can those kind
22 of things be dealt with on a different type of law,
23 common sense kind of law?

24 COUNCIL MEMBER HUND: Or not being able
25 to use bottles as targets, because I know it's a big

1 problem.

2 COUNCIL MEMBER BANIS: It's already a
3 law.

4 COUNCIL MEMBER GROSSGLASS: The point of
5 the supplemental rules was so there was uniformity
6 throughout the CDD. So while I understand your
7 concerns, I think that kind of defeats the purpose of
8 these supplemental rules. We wanted it to be uniform
9 so there would be easier enforcement for the LEO's and
10 easier to understand for the public. And I have seen
11 it in limited use areas, in all kinds of places, not
12 just the OHV or designated camping areas.

13 COUNCIL MEMBER BANIS: Perhaps as a
14 compromise, we are having several of these proposed
15 supplementals are limited to OHV areas and developed
16 campsites. Maybe that would be a place to draw the
17 first line on the glass container issue. Then it's
18 somewhat uniform in that it's with the others, but
19 it's a first step.

20 ACTING CHAIR ACUNA: I think we are
21 going to come up with an interesting conclusion on the
22 DAC. I think there are going to be some of us that
23 were going to say leave your rules the way they are.
24 And there are going to be some of us that would like
25 some changes. In going that direction, maybe -- I

1 know I support it just as it is. And there are
2 just -- kind of a show of hands, how many support it
3 kind of the way it is right now? Just a show.
4 Unchanged.

5 COUNCIL MEMBER MABEN: The ones as
6 presented today?

7 ACTING CHAIR ACUNA: Yeah. I just want
8 to get a feeling of how much work we have to do here
9 to get it where we can all agree, maybe the majority
10 of us.

11 COUNCIL MEMBER BANIS: I'm not going to
12 be the lone holdout on the jury on this.

13 ACTING CHAIR ACUNA: It's okay.

14 COUNCIL MEMBER BANIS: But at the same
15 time, my only comment I would say on the nudity issue
16 is maybe just consult the county of which that one hot
17 spring, the El Centro area that might be affected, and
18 see if the county has an issue on that at all. If
19 there is a traditional area that has been seen by the
20 public as a clothing optional, if that's going to be a
21 change, I think the county should know.

22 COUNCIL MEMBER HOLIDAY: One of the
23 issues that we have -- and I understand that people
24 don't want to drink beer in a glass and there are
25 probably some areas where it isn't important. I think

1 like Meg said, the original goal of the issues was to
2 have something that is consistent, because we weren't
3 consistent. You can't have a pallet at Dumont but you
4 could burn one at Glamis.

5 So you have people traveling around the
6 Desert District, and they are not sure where I can do
7 this. At what point can we have a glass bottle? What
8 open area can we have one and where can't we have one?
9 And that becomes a problem for the law enforcement
10 officers. And visitors, Gee, I was over here and I
11 had one, and now I'm at Dumont and I'm getting a
12 ticket, but I was just over there and I didn't get it
13 and I talked to the ranger.

14 And it's really -- it's really
15 disheartening if you go to some of these areas and
16 have to go out and clean up these things. Or you see
17 a bunch of kids that are out -- and I hate to say
18 younger people -- they come out there and you can tell
19 because there is a whole pile of beer bottles. They
20 are going to be there the next morning when they
21 leave. And they will throw them in the fire pit and
22 leave them.

23 And I think about half the things that we
24 do or -- I should say 90 percent of the things we do
25 are trying to take care of 10 percent of the people.

1 And unfortunately, that's just the way life is.

2 COUNCIL MEMBER HUND: First of all, I
3 want to say that being an environmentalist, I find it
4 odd that I'm on this side of the issue because I'm
5 concerned about the broken glass. But I have to say
6 that, you know, big open public assembly areas is
7 where these type of problems tend to occur. And I
8 don't mean to pick on the open riding areas, but
9 that's where they are.

10 If BLM had some beaches and offshore
11 islands that are part of the National Monuments, but
12 if they had beaches it would be the same thing. They
13 are large open public areas. I camp by BLM land
14 remotely and developed campgrounds, and in my personal
15 experience, that hasn't been a big problem. I camp on
16 the developed campground as a volunteer and visitor
17 probably several times a year, and that's just a
18 nonissue there generally. Sure, there are some people
19 that do target shooting with glass bottles and it
20 sounds like the law already covers that.

21 But I'm just concerned that it seems a bit
22 overreaching to me to do it on all BLM lands. And I
23 think people can differentiate between these large
24 public assembly areas and elsewhere. If you have a
25 consistent policy in these large public assembly

1 areas, there is consistency. It's just food for
2 thought. But again, I'm not facing what the BLM is
3 facing. And maybe my personal experience is as an
4 outlier, and that it is a pervasive problem. And if
5 it is, I can understand BLM wanting to go that route.

6 But I want BLM to consider taking a
7 measured approach if that would be more appropriate,
8 given conditions on the ground.

9 COUNCIL MEMBER MABEN: Just to continue
10 on this particular theme, I have been to a number of
11 DAC social events that are conducted on BLM land
12 around campfires in the evening. And we imbibed a
13 little bit. What you are going to do is limit what we
14 can and cannot do when there is not a problem, and
15 that's my concern. I think you need to take another
16 hard look at that and if it's an area that has
17 consistently had a problem, maybe that's where it
18 should apply to.

19 ACTING CHAIR ACUNA: Let's do this so we
20 don't belabor this too much longer. Let's take a vote
21 and find out if we can get a vote to support it. If
22 we don't get the vote to support it, then obviously we
23 have some work to do.

24 COUNCIL MEMBER MABEN: Mr. Chairman,
25 might I suggest take them one at a time because there

1 are -- I don't think any of us would oppose the ban on
2 pallets and things of this nature. I think that each
3 of these changes in law should be taken one at a time.

4 ACTING CHAIR ACUNA: Could you call out
5 the first one and we will vote.

6 MS. ELSER: Public nudity.

7 COUNCIL MEMBER RUDNICK: All for it.

8 ACTING CHAIR ACUNA: It looks like we
9 support that.

10 COUNCIL MEMBER HUND: Richard meant to
11 say, if it's on motorcycles.

12 MS. ELSER: Riding in appropriate seats.

13 ACTING CHAIR ACUNA: We support it.

14 MS. ELSER: Metal in firewood.

15 ACTING CHAIR ACUNA: We support you.

16 MS. ELSER: Glass beverage containers?

17 COUNCIL MEMBER RUDNICK: It's defeated.

18 ACTING CHAIR ACUNA: It's a tie; right?

19 COUNCIL MEMBER MABEN: Work on it some
20 more.

21 MS. ELSER: Would it be supported if it
22 was reduced so that it wasn't all lands, but the glass
23 beverage container was only OHV open areas and
24 designated and improved areas, which would include the
25 campgrounds?

1 COUNCIL MEMBER HUND: I have a problem
2 with the campgrounds.

3 COUNCIL MEMBER MABEN: Maybe like we
4 say, we would have had all cans or no social.

5 COUNCIL MEMBER GROSSGLASS: We had wine,
6 didn't we?

7 ACTING CHAIR ACUNA: It sounds like you
8 would have it if it was the OHV areas.

9 MS. ELSER: Would you have it if it can
10 be reworded so it can be within motor home or trailer
11 or tent, but not out in the open? So that would mean
12 you could pour it from your wine bottle in your
13 trailer and then take your glass out.

14 ACTING CHAIR ACUNA: Let me ask the BLM.
15 From an enforcement issue, is that really doable?
16 Will people pay attention? Can you enforce that?

17 MS. ELSER: I think as a practical
18 sense, that's what would be enforced. If you have the
19 bottle inside your tent or trailer, nobody is going to
20 go inside looking for it. It's when you are walking
21 around outside that they will see it.

22 COUNCIL MEMBER HUND: For my part I
23 could live with that because you could pour the beer
24 in a cup. If you could have the beer in your ice
25 chest and pour the beer in a cup, to me that seems

1 like a compromise position. And that gives the BLM
2 some ability if people are sitting around the campfire
3 and throwing bottles in and they catch them with
4 bottles outside around the campfire, that they have
5 the enforceability.

6 MR. MATTHEWS: I have a better idea if
7 you want to hear it now, unless you want to wait until
8 public comment.

9 COUNCIL MEMBER HUND: Just one more
10 comment. My only concern is where there is really a
11 problem, wherever that might be. But if there is a
12 problem in the open areas -- I don't typically use
13 open areas, but if there is a problem and the people
14 who are familiar think it's a good idea, I would
15 support it.

16 But my only concern is by having that
17 proviso that you could have it in your vehicle, if
18 that would not address the problem. If it would
19 effectively continue, than I would be concerned with
20 weakening it in those areas where it's really needed.
21 But those of you that think it's needed, I think
22 having a proviso that would allow people to have it in
23 their vehicles would work, that seems like a solution.

24 ACTING CHAIR ACUNA: Geary, my personal
25 feelings is these OHV areas -- and I like what they

1 do -- but you get a lot of younger people who are, in
2 spite of the law, always fighting for a reason: It's
3 in the ice chest. You can't do anything about it.
4 And it puts the law enforcement officer in an awkward
5 position. And if you have that ice chest, you just
6 know it's going to wander out of the ice chest into
7 the fire. Just the way it goes.

8 COUNCIL MEMBER HUND: That's exactly my
9 point. I was in law enforcement and I know that
10 starts to make it more challenging for the law
11 enforcement officer.

12 ACTING CHAIR ACUNA: I'm suggesting you
13 give them teeth.

14 COUNCIL MEMBER HOLIDAY: I would think
15 that a good compromise on here, obviously we have like
16 camp spaces, all OHV open area and developed sites,
17 use that same terminology in there and that would take
18 care of probably 90 percent of the problem and still
19 leave the person that's out in the middle of nowhere
20 to do the right thing.

21 COUNCIL MEMBER MABEN: But you have one
22 in there relating to maintaining your campsites. And
23 the fact that any glass laying around in your campsite
24 is a citable violation, period. So add it to that,
25 and you make them clean it up.

1 MS. ELSER: The problem that we have is
2 as soon as they have it, you walk away and it's
3 broken. Then we have the issue with the tires. So
4 law enforcement prefers to be preventative and be able
5 to act when they see it in their hand because they
6 know the typical course of action of those bottles.

7 How would you feel about total glass ban in
8 the OHV open areas, but they would be allowed in the
9 other areas as long as they were within your trailer
10 or living quarters?

11 ACTING CHAIR ACUNA: Well, living
12 quarters includes tents.

13 MS. ELSER: Right. That would include
14 the tents, and that's where the people are that are
15 tent camping.

16 ACTING CHAIR ACUNA: I would support
17 that. Do we have a positive vote for that?

18 COUNCIL MEMBER RUDNICK: I think it's a
19 fine line. Does a guy walk out of his motor home, or
20 his tent, and does he have to hide it? I just hate to
21 be too picky on these rules. And if you make it
22 general, like just pick on the open areas, guys.

23 COUNCIL MEMBER MABEN: Leave it on the
24 open areas.

25 COUNCIL MEMBER RUDNICK: That seems to

1 be where the problem is.

2 ACTING CHAIR ACUNA: How could you cover
3 where Richard was going?

4 MS. ELSER: We could write it so it
5 would just be for the OHV open areas, that is the way
6 we could write it.

7 ACTING CHAIR ACUNA: Why don't we take a
8 vote on it. We do want to get to the other topics
9 here. So, those that support it with the OHV
10 restriction for glass, do you support that in the open
11 areas. Okay. We are good.

12 MS. ELSER: The next one is stakes.

13 ACTING CHAIR ACUNA: Positive there.

14 MS. ELSER: Next one is parking in the
15 Dumont Corridor.

16 COUNCIL MEMBER HUND: That's the
17 emergency vehicle access.

18 ACTING CHAIR ACUNA: Good.

19 MS. ELSER: Reservation of camping
20 spaces?

21 ACTING CHAIR ACUNA: Good.

22 MS. ELSER: And litter?

23 ACTING CHAIR ACUNA: Good for you, thank
24 you. (That was easy).

25 MS. ELSER: Do you want me to go over

1 what the process is to actually have these rules
2 enacted?

3 ACTING CHAIR ACUNA: Folks, shall we go
4 there? We are running a little late on time.

5 MS. ELSER: It is in your handout.

6 ACTING CHAIR ACUNA: I think we are
7 interested in moving on to the other parts, but thank
8 you, Lynette.

9 MS. ELSER: You are welcome.

10 ACTING CHAIR ACUNA: Now we are going to
11 move on to the Dumont Dunes subgroup update. And
12 Randy, I think you are going to take it from here.

13 COUNCIL MEMBER BANIS: Thank you. I
14 have asked for a little bit of help today due to a
15 special guest appearance. The Dumont Dunes TRT was
16 chaired by Dr. Bill Presch, who also chaired the DAC
17 just prior to my coming on board.

18 Bill is here. And I asked if he would say
19 a few words to bring us up to date on what the Dumont
20 Dunes TRT did during its 16 meetings between March '06
21 and May '09.

22 DR. PRESCH: Hello guys. I used to sit
23 on that side of the table. It's interesting.

24 Yes, the TRT of the Dumont Dunes was quite
25 a functional group, as Randy indicated. We met 16

1 times and we were able to get our work done in a day
2 by eating and meeting at the same time. Lunch was
3 during the meetings so that we could get things
4 organized. We have quite a good group on Dumont
5 Dunes, not only local Californians, but we have
6 representatives from Nevada, the Las Vegas area, who
7 would make the drive over as well as everybody
8 throughout the state to come and talk about things at
9 Dumont Dunes.

10 When we started, there were a number of
11 issues with Dumont Dunes. Primarily one of them was
12 finances and where did the user fees go and how much
13 was there and what should we do with those? And I
14 think that we made tremendous progress in determining
15 what we had and what we were going to spend it on.
16 And you can now go up to Dumont Dunes and you can see
17 a lot of on-the-ground improvements, such as a
18 widening of the road into Dumont Dunes across the
19 river, Amargoso River.

20 You can also see helicopter pads and
21 buildings and lights for the sheriff and BLM rangers
22 and for the air transport people to come in. You will
23 also now see, due to our discussions, a movement, a
24 new position for the -- what do you call them, people
25 who sell their goods? -- vendors' row, to a new place

1 which is safer both for the vendors and for the users.
2 We also discussed or just finished discussing a number
3 of proposed changes to the supplemental rules which
4 allow for better management and a safer condition for
5 people at Dumont Dunes.

6 For those of you who have never been to
7 Dumont Dunes on Thanksgiving or any one of the other
8 four big weekends, I guess we won't see any more young
9 women in the back of pickup trucks going up and down a
10 pole naked for money. But that takes the fun out of
11 it, but it also provides a mechanism to get the safety
12 vehicles around to the bottom of Comp Hill, which was
13 always a big problem during the big five weekends at
14 night, especially because of the partying that was
15 going on on that side of the dunes, which is on the
16 other side from the campgrounds.

17 So I think we had a tremendously positive
18 effect on Dumont Dunes. In March of this year, it was
19 brought to our attention that we were a TRT, Technical
20 Review Team and those weren't allowed. They weren't
21 legal. The paperwork was way behind. And so we have
22 not met, and in fact, we dissolved so that the
23 paperwork could get caught up to what we were actually
24 doing.

25 It turns out that after the paperwork was

1 all brought up to date and modernized, it's exactly
2 what we were doing. So we were way ahead of the time.
3 We have now had new appointments made to the TRT. I
4 have been reappointed, as have most people on the TRT.
5 And we are looking forward to our meeting on
6 September 15 at Barstow to reformatize our officers
7 and approve our statements and so forth. And then
8 move on to our current projected plans of continuing
9 to develop Dumont Dunes and to keep making it a
10 family -- nice, safe family outing area and continue
11 to support a lot of fun and especially to provide
12 on-the-ground services for the users.

13 The users do pay a fee, and those fees have
14 gone up in the last number of years, as they have
15 everywhere. But you can go to Dumont Dunes and you
16 can actually see the changes that have resulted from
17 these fees and additional other monies and grants that
18 we have been able to get through the BLM. So I think
19 it's been a great improvement in the last couple of
20 years and I think we will continue hopefully in that
21 direction.

22 COUNCIL MEMBER BANIS: Thanks, Bill.
23 May I just simply add that I was pleased also to see
24 how members of the public and the users come to the
25 Dumont Dunes meetings. We regularly have anywhere

1 from 6 to 12 members of the public just to come to
2 those. And as a result of the public's participation
3 and interest in the meetings of that TRT, annually it
4 held Saturday meetings to encourage more participation
5 from the public. And I would like to see that
6 continue.

7 It hasn't all been rosy and cheery. There
8 are still some challenges in front of us. I believe
9 that the new TRT is going to be better equipped with
10 working with the local community due to a strong
11 community member having been brought onto the TRT who
12 I'm looking forward to working with. And I hope that
13 will help us address the problems we have had with
14 trash, with dumping of RV's, and also with water
15 supply issues. We have tried to work with the
16 communities the best we can, but having the community
17 with us on the new subgroup I think will go a long way
18 to making some inroads on some of those problems. And
19 I look forward to it very much.

20 Thanks for the opportunity to report on the
21 TRT as we move forward.

22 ACTING CHAIR ACUNA: Randy and Bill, I
23 want to thank you on behalf of the DAC for the
24 wonderful accomplishments that you folks have made.
25 It sounds to me that significant progress has been

1 made to improve the recreational opportunities and
2 safety of those using Dumont Dunes. So thank you and
3 keep up the good work. Let us know what we can do to
4 help you on that as you continue.

5 Let's move on to the Imperial Sand Dunes
6 subgroup update. I think that's next. And for those
7 in the public who would like to provide comment, there
8 will be an opportunity here towards the end of the
9 meeting to do that.

10 MR. WALDHEIM: I would like to report on
11 the subgroup of El Mirage.

12 ACTING CHAIR ACUNA: Can you hold off
13 just a second until we get to the sand dunes? Who is
14 going to cover that?

15 COUNCIL MEMBER HOLIDAY: Yeah, our group
16 also, our DAC subgroup is scheduled to have a meeting
17 on September 11, the first meeting. We have selected
18 our people. And they have been voted on by the DAC.

19 We also included most of the existing
20 people from the old TRT, although we have some new
21 people from local counties and Yuma. We also have
22 some from Arizona, California, recreation and local
23 communities. Obviously, our first meeting will be to
24 select our chairman and secretary and some
25 housekeeping issues to set up our meeting agendas.

1 We will be looking at the budget issues.
2 Obviously, the Imperial Sand Dunes has a potential for
3 deficit. We at least need to understand what the
4 processes are for the BLM. We want to continue with
5 our educational, safety, and pack-it-in, pack-it-out
6 programs that we work on for educational safety
7 programs.

8 Looking at fee collection systems, and we
9 are just looking forward to getting back into the
10 swing of things from when we were a TRT to when we
11 were a DAC subgroup.

12 ACTING CHAIR ACUNA: I think that just
13 like Dumont Dunes, this is on the front burner of the
14 nation. So your efforts go a long way to help
15 everybody in this room. So keep up the good work. We
16 appreciate that.

17 Now, the subgroup that Ed Waldheim brought
18 up a moment ago, is this the proper place to discuss
19 that now? Is that what the DAC --

20 MR. RAZO: If you are ready to move on
21 to that, yes.

22 ACTING CHAIR ACUNA: Okay. Then let's
23 move on to Ed, please.

24 MR. WALDHEIM: Thank you, Mr. Chairman.
25 Ed Waldheim, president of Friends of El Mirage.

1 Mickey, come on up here. You can't get
2 away from here. There is an incredible partnership,
3 and we appreciate the DAC letting us kind of
4 participate in a quasi-subcommittee, because we have
5 been meeting now for ten years, every month we have
6 been meeting and working on the El Mirage. It's a
7 joint venture. We have these monthly meetings where
8 everybody comes and Mickey -- he sat down again.
9 Mickey has been the official representative. Roxie
10 has so many things going, but they also appointed Rose
11 Foster to work as the main person to run the visitors'
12 center.

13 The accomplishments is the normal annual
14 cleanup we are doing. And the collection of fees,
15 that's a big issue. The Friends of El Mirage are the
16 only ones who actually are a contractor or vendor of
17 the annual passes. We are doing that at the visitors'
18 center. We have a Web site. We sell books, and now
19 that the grant program has given us money for the
20 visitors' services portion of it, we will be able to
21 help the BLM in a better manner to stagger the hours
22 of service that we do because we found -- when I
23 personally work the windows Friday night and Saturday
24 night, they are coming in until 10 or 11 o'clock at
25 night. Normally we close at 4:30. So working

1 together we will be able to stagger the hours and
2 that's working very, very well.

3 We are doing a complete revamp of the
4 displays inside. Roxie Trost has authorized Rose to
5 move forward with that. We are going to have some
6 interpretive displays. She has been doing an
7 incredible job getting volunteer programs coming up
8 and educational programs coming up. And just like we
9 did in Jawbone, we hope to start doing the safety
10 awareness starting in October with our event on the
11 24th and 25th.

12 Without Mickey being there, we actually
13 would have never gotten the visitors' center finished
14 if he hadn't been working at the request of Roxie.
15 The biggest issue we have right now, we changed our
16 dates for the El Mirage dates to October instead of
17 the first weekend in May. The sand has been
18 absolutely blowing us away. So together with Mickey
19 we are going to figure that out.

20 And we are very interested to see what the
21 railroad is doing down in Glamis to keep the sand out
22 of -- the sand coming off the lake is just unbearable.
23 We took six and a half pounds of dirt out of my
24 generator compartment in the motor home. Standing
25 there you could not see our motor home. That's an

1 issue we knew we were going to have it bad, but not
2 how bad.

3 The only issue that Mickey can talk about
4 probably is the same as -- it's a collection of the
5 fees. The government has had a lockdown or a
6 blackout. I don't know if that has changed. We have
7 a hard time trying to figure out how to reconcile how
8 much have we taken in; how much have we spent out.
9 That seems to be kind of a hangup, and I don't know if
10 the DAC wants to come up with a uniform reporting
11 system for the three fee areas or how do you want to
12 do it.

13 I don't know if Mickey wants to add
14 anything to that.

15 MR. QUILLMAN: I'm Mickey Quillman. I'm
16 the chief of resources at the Barstow BLM. I have
17 been here for about 18 months. And Roxie has allowed
18 me to help the folks out at El Mirage. This last
19 October we established a new budgeting system called
20 FBMS. We have been struggling with that, but we're
21 getting our hands around it now. It's starting to
22 work and we're getting some actual numbers. I think
23 ballpark number, we have collected about a quarter
24 million dollars in fees out there this first year,
25 which is right around what we expected. That's it.

1 Anything else you need to know I would be
2 happy to answer.

3 ACTING CHAIR ACUNA: The last time I was
4 there, the DAC visited before they completed the
5 visitors' center. I have not seen it, but I have only
6 heard rave reviews about the facility itself and what
7 it looks like and the good it's serving to the folks
8 in that area. So it's another great accomplishment.
9 It's something to be proud of, really.

10 MR. QUILLMAN: It's a very unique
11 visitors' center.

12 MR. WALDHEIM: We have lots of grants.
13 Twin Hills, looking at the development for more camp
14 grounds, we have 135,000 dollars for 30 new campsites
15 and campfires. We have a new camp thing going on.
16 Trail maintenance, we are going to start working on
17 that and start looking at the bylaws of the lake bed.
18 We want to start getting the traffic off the lake.

19 When James comes with his tractors and
20 trailers to do a movie, we want to get him off the
21 lake, go around the lake, and then access the lake to
22 the actual area where he is going to do the filming.
23 The whole issue is that we have to keep the integrity
24 of the lake bed as best as possible.

25 The more traffic you have with big vehicles

1 and motor homes, just for the heck of traffic, the
2 soil gets degraded. We want to save it for the
3 racers, the car racers, the group that does the racing
4 down there. We're trying to figure out how to deal
5 with those folks who like to go on donuts who
6 absolutely break the crust of the lake. So these are
7 the issues you have to deal with as we go along with
8 management plan that we have. So the challenges are
9 great, but it's an incredible jewel that we have.

10 I may add one issue that is really
11 bothering me very strongly, and I have not gotten an
12 answer back from the State of California. We have
13 about 4 million dollars sitting in the checking
14 account in the county to purchase remaining lands. We
15 have about 250 parcels of land that we still have to
16 purchase. There was 1,447 parcels of land that had to
17 be purchased from the public to add to the BLM
18 ownership. We have that down pretty good. But we
19 have been working off the interest to purchase the
20 land.

21 But the State of California came down and
22 put down an audit of where this money is. So they
23 have banned us from spending any more money to
24 purchase the land, which is insanity because at this
25 time when the economy is down and everybody wants to

1 sell, and here we are sitting with 4 million in San
2 Bernardino County. But thank God, San Bernardino
3 County has it, and we are getting interest. And it's
4 all interest we have accumulated over the years.
5 That's the first problem.

6 The second problem we have, there is an
7 issue that Steve has to still revolve to turn over the
8 lands from the county to the BLM or not to turn it
9 over. Right now the county is holding all the titles
10 for all the properties they have purchased. We
11 started transferring to the BLM, but then it was
12 stopped. So there are two issues remaining, and I
13 hope we get it all done before I die, get these lands
14 purchased so El Mirage is secure as a recreation area
15 because right now, you still have 200 parcels of land
16 not in our ownership, private property.

17 So we have the money. I have been trying
18 to get the State of California, Daphne Greene and Phil
19 Jenkins to get back to me and figure out what to do
20 because we are at a Mexican standoff on both issues,
21 the accounting system, and the transfer of title of
22 land back to BLM, so that's an issue. I don't know,
23 Steve, if we have anything resolved on that. Sorry
24 about that hot potato.

25 ACTING CHAIR ACUNA: That's unfortunate

1 to hear that you have money and you can't use it. Is
2 it that they don't trust you, Ed, or is it --

3 MR. WALDHEIM: When I was on the
4 Commission -- for ten years I was a commissioner --
5 and I was the biggest supporter of El Mirage. My
6 promise to the BLM was when we came up with a
7 management plan, that we will have you manage it. We
8 had a choice to make, it would San Bernardino, OHV
9 Commission or BLM. We opted with BLM because we
10 figured they would do a better job.

11 Having said that, my promise to them was
12 back in the eighties that we would always give you O&M
13 money, operation and management money to maintain it.
14 They didn't have the money do it. I was very
15 successful in doing that on or off the Commission and
16 Mike Ahrens, he was right there, he was my other
17 partner. We were very successful until probably the
18 last two years I failed. I was not able it to get the
19 money. One year it was my partner, Roxie Trost was my
20 partner on that one. And the other year was Spitler
21 (as pronounced) pooled it or some stupid thing, we
22 lost the money. Two years we didn't have any money.
23 Roxie had no money to do anything, period.

24 So the money that we -- when Jim Livermore
25 and I worked on developing the El Mirage visitors'

1 center, he told me, I'm not going to spend more than
2 12 million dollars on the property. He has since
3 passed, and that's why we kind of put the visitors'
4 center in his name. We have now close to 20 million
5 dollars we invested in this place.

6 We have given this money to the County to
7 help us buy these properties because they were the
8 ones that had the ability to purchase. Because of the
9 big ticket item, when the state stole 50 million from
10 us the first round, El Mirage -- they always took it
11 away from El Mirage. Every time we wanted to buy, \$2
12 million, \$3 million, oh, let's take it away from El
13 Mirage. So that's been an up-and-down story for the
14 last 25 years.

15 However, the county had a lot of money.
16 They invested it and we have been using the interest
17 on it. The original money that came in from grants
18 has disappeared. Now the State of the California
19 auditors are going to say, well, you don't have the
20 authority to use that interest money to purchase the
21 land. There goes the question right now. They say,
22 Well, you used up your grant. Interest money is mine.
23 You should be using it for acquisition. And that's
24 where we have a total lockhead right now is what we
25 have with them.

1 ACTING CHAIR ACUNA: So for us, you
2 know, we always want to help but we don't know if we
3 can. What we need from you is if there is a solution
4 that the DAC can participate in, we would be
5 interested in hearing that, maybe not right now, but
6 perhaps at the next meeting.

7 MR. WALDHEIM: I would love the DAC to
8 come up with the resolution, to please let San
9 Bernardino County proceed to finish the acquisition of
10 the properties, period. But it doesn't make any
11 difference if it's interest or not interest money. It
12 was meant for the project. Any money I get, I put it
13 in a savings account for grants that I get. I have
14 the authority to use that interest money on that
15 grant. I don't have to go get permission. I can use
16 it on the grant.

17 For some reason there is a double standard
18 for the money we have earned on interest to acquire
19 property. It was brilliant that we are getting
20 interest, but for some reason if we can get something
21 from the state office, they are not answering me.
22 Daphne Greene is not answering me, neither is Phil
23 Jenkins. And the San Bernardino County is sitting
24 there with staff waiting to do the job. And I'm
25 worried if they fire that staff and they disband the

1 group, then probably we will not finish the project.
2 That's what is worrying me.

3 ACTING CHAIR ACUNA: Can I put you on
4 the hot spot and ask you what we can do?

5 DISTRICT MANAGER BORCHARD: I would be
6 happy to talk to Daphne Greene and see where she
7 weighs in on this authority question and see what kind
8 of flexibility there is. Make an inquiry and see what
9 kind of flexibility there might be in interpretation
10 of those authorities.

11 ACTING CHAIR ACUNA: Thank you, Steve.

12 MR. HILLIER: I'll chase down the San
13 Bernardino holding title to find out what is wrong
14 with them.

15 ACTING CHAIR ACUNA: At the next meeting
16 perhaps we can have an update as to the outcome of
17 your discussion with Daphne and maybe from Ed at that
18 time. And Gerry, if they could put -- if there is a
19 way we can help, we can try. Maybe we don't need to
20 do anything with Steve stepping up.

21 MR. WALDHEIM: Please ask the County to
22 have Tom come and give you a report on the acquisition
23 process. It's a 20 million dollar poker game. I
24 think he has an incredible opportunity from San
25 Bernardino County, who is trying to do the transfer,

1 have him give a report firsthand from the guy who is
2 doing the work. Tom Dustin. He is from the real
3 estate acquisition. He is under Brad Mitzelfelt's
4 office.

5 ACTING CHAIR ACUNA: I will put it in
6 the summary.

7 COUNCIL MEMBER GROSSGLASS: I know we
8 are talking about subgroups. We need a formal DAC
9 subgroup for El Mirage since they collect fees. I
10 thought that was what we were going to do.

11 COUNCIL MEMBER BANIS: I would like to
12 move that we reconstitute some of our TRTs into
13 subgroups right here and now. One I would like to
14 move is that the Rands TRT remain as a subgroup. In
15 my opinion, it's been helpful for Hector to work with
16 the members of that group or a new group to further
17 this Rands permit into Phase 2. And then we can
18 execute it and read it.

19 I would like to include a subgroup on
20 renewables. And I believe that significant fee areas
21 should also have a TRT or a subgroup. And I believe
22 at this time that would only leave the El Mirage area
23 in that grouping, as the Dumont Dunes and Imperial fee
24 areas already have groups.

25 I would look to retire the Surprise Canyon

1 TRT. It didn't meet, wasn't functional, and at this
2 point I think that the issue is way down the road past
3 us.

4 I also think we can retire the historic
5 cabin TRT. The issue has been very well managed by
6 Ridgecrest at this stage.

7 My last point isn't part of a motion. But
8 a recommendation that Friends groups continue to be
9 integrally involved, but that they remain separate
10 organizations, incorporated and they can be terrific
11 partners in helping us secure grants and other funds
12 and to help us with our community relations and
13 stakeholder relations.

14 So again, my motion would be that we
15 have -- May I -- I'm sorry. I meant to include with
16 the Rands TRT that would help in Ridgecrest, that it
17 also look at providing assistance with the upcoming El
18 Paso CAPA.

19 ACTING CHAIR ACUNA: So what I think I
20 heard you say, so that everybody gets this straight,
21 Randy. Six items that you mentioned. One was the
22 Rand TRT to be renewed with focus on the El Paso CAPA.

23 COUNCIL MEMBER BANIS: Rands/El Paso.

24 ACTING CHAIR ACUNA: The second point
25 was a new TRT called renewables to be established.

1 The third one was fee areas like El Mirage
2 be its own TRT.

3 The fourth one was retire the Surprise
4 Canyon TRT.

5 The fifth one was to retire the historic
6 cabin TRT.

7 And the sixth one was to leave Friends
8 groups, i.e., Jawbone Canyon, alone and allow them to
9 continue to come here and share their accomplishments.
10 Is that it?

11 COUNCIL MEMBER BANIS: Exactly.

12 COUNCIL MEMBER HOLIDAY: Richard, I have
13 a question for Randy. What would be the purpose and
14 what would be the mission of a renewable resource DAC
15 subgroup?

16 COUNCIL MEMBER BANIS: No. 1, I believe
17 that that is the overarching issue before us now and
18 will remain to be at least in the next two to three
19 years in the foreseeable future.

20 No. 2, things are happening more quickly on
21 that front than the DAC can meet. And I believe that
22 it's -- it would create a group of experts among
23 ourselves or constituted with other members of the
24 public and develop greater expertise on our part on
25 these issues. I feel that I'm behind the ball on it

1 and I'm doing everything, I'm reading everything I
2 can, but I still feel like I'm behind the ball. I
3 can't wait for the next presentation that's been
4 discussed. But I have got to wait. But I would like
5 an opportunity to get together with people in a more
6 formal way to develop the learning process and try to
7 find out more details on how we can be helpful.

8 ACTING CHAIR ACUNA: I would add to
9 that, Randy, in the earlier discussion we had this
10 morning we mentioned RETI, we mentioned REAT, CREZ
11 zones. The PEIS with solar. All of those initiatives
12 are thick documents with significant strategic
13 planning goals, policies, et cetera. For each of us
14 to have to pour through that, I think the advantage of
15 the TRT is they would be able to come to this meeting
16 and provide a quick overview. It wouldn't be exactly
17 maybe where you want to go, Richard, but it would give
18 you enough insight so you could pull up the book and
19 double-check what we are saying.

20 COUNCIL MEMBER HOLIDAY: I'm just trying
21 to -- what I am trying to understand is that each one
22 of these other subgroups are mission-oriented toward a
23 certain area, not that this one wouldn't be
24 mission-oriented toward renewables. But it would be
25 more under the auspices of the District office. It's

1 not going to be Barstow or El Centro or Ridgecrest.
2 It's going to be a CDD-wide group which -- I see what
3 you are saying.

4 But it's kind of almost duplicating what we
5 have here. Are you going to have five, nine members?
6 We have 15 members on this organization. If we had
7 nine of those members that were on this that maybe met
8 more often, if that is what your goal would be to have
9 more input from professionals or experts to bring more
10 information to the table. I just don't want to see --
11 I just don't want to see the BLM get spread so thin
12 that they are not going to be able to support you to
13 do that because they are going to have to bring those
14 experts in to answer those questions.

15 COUNCIL MEMBER BANIS: That's why I put
16 it out.

17 COUNCIL MEMBER MABEN: Second the
18 motion.

19 ACTING CHAIR ACUNA: We have a second to
20 the motion.

21 MR. RAZO: We need to -- what are you
22 voting on?

23 COUNCIL MEMBER MABEN: We are seconding
24 the motion so we can legally have discussion.

25 ACTING CHAIR ACUNA: We are ready for

1 you, Steve.

2 COUNCIL MEMBER HUND: On the Surprise
3 Canyon TRT, I think it might be a bit premature to
4 disband it. The TRT really hasn't had an identified
5 contemporary membership. I had volunteered to
6 participate on it, but also the process of developing
7 the Resource Management Plan for Surprise Canyon has
8 kind of been on hold, but it's still a very important
9 place with very important issues to be addressed.

10 So I would like the proviso that maybe
11 there could still be a placeholder for it and then
12 when the BLM was -- when it was a good juncture for us
13 to reengage on that issue, that we could provide that
14 TRT for Surprise Canyon and have input from this group
15 and I guess other folks that might potentially want to
16 participate in the TRT.

17 COUNCIL MEMBER RUDNICK: Tom, question
18 for Randy. When you said "renewables," I assume you
19 mean "renewable energy."

20 COUNCIL MEMBER BANIS: Yes, thank you.
21 Renewable energy, thank you.

22 ACTING CHAIR ACUNA: Any other thoughts
23 on this? Steve, I would like to hear your thoughts
24 about a new TRT. There is this discussion that maybe
25 it's more work on the BLM. Maybe it's unnecessary.

1 What are your thoughts?

2 DISTRICT MANAGER BORCHARD: Well, I just
3 talked to Steve Razo to see if he had some reference
4 materials for us to refer to, the charter and the work
5 done that Maruzka had done in defining and narrowing
6 down and focusing the activities of a subgroup. If
7 you will recall, why we started down this exercise
8 with Mr. Maruzka was to ensure that the DAC and the
9 BLM follow the laws, the FACA laws regarding
10 subgroups.

11 My recollection of the discussion is the
12 TRT is a technical group the BLM convenes that's not
13 part of FACA. It's a group of technical experts that
14 BLM calls upon to work on an item. So we were trying
15 to get away from that TRT label and move to the
16 subgroup label and focus the subgroups in ways they
17 could assist BLM in collecting stakeholder input and
18 having discussion and representative cross-interest
19 discussions on specific issues.

20 And one of the things that I know I thought
21 we were going down the wrong road on three and a half
22 years ago when I first came here, my first DAC meeting
23 was when John and Mona Daniels came and proposed a new
24 subgroup for the Mecacopia planning area. And now
25 that I know much more about subgroups and TRTs and

1 with the help of Don Maruzka, the guidance he
2 developed with all your input, I realized that that
3 was -- that proposal I saw three and a half years ago
4 to start a TRT was the wrong thing to do because BLM
5 was going down to develop an activity plan for a
6 specific geographic area.

7 And that's not the intent of what a
8 subgroup would be used for. That's a planning
9 process. And subject to BLM regulations on planning
10 and public participation. And when we talk about the
11 El Pasos, I kind of think there is the same analogy
12 because we are going to go into the El Paso area and
13 create an activity plan. Isn't that right, Hector?
14 Is that where we are headed?

15 MR. VILLALOBOS: Sort of, yeah.

16 DISTRICT MANAGER BORCHARD: So I wonder
17 about the Rands and the El Pasos being combined. And
18 I see the analogy there with what this learning
19 process we just went through was the wrong direction.
20 The subgroup was the wrong entity to use for it. So
21 I'm concerned that that's the wrong thing to do in
22 this new direction we have headed with subgroups.

23 COUNCIL MEMBER BANIS: Can I help your
24 argument with an idea? It's to point out that part of
25 the El Paso CAPA is to create a collaborative process.

1 And if you read specifically in WEMO, they are to
2 assemble a working group. I'm just wondering, should
3 that working group be a subgroup of the DAC or should
4 Hector cross that bridge when he gets to assemble his
5 own working group? There is going to be a working
6 group. The Rands permit program also called for a
7 working group, called for a consultation with the
8 different agencies, Kern County, the Sheriff and
9 stakeholders. Something that might be similar.

10 DISTRICT MANAGER BORCHARD: Yeah, if you
11 recall, the reason the State office, the BLM State
12 office, specifically Mike Pool, engaged Don Maruzka to
13 help us was we were seeking to ensure that
14 specifically the District Advisory Council and BLM
15 complied with FACA as the Federal Advisory Council,
16 that we complied with that law.

17 And I'm not disagreeing with you in saying
18 that our plans call for work groups and participation
19 as we develop the El Paso Plan. And certainly through
20 our public planning process we invite any interested
21 stakeholders to participate in the planning process.
22 But whether the District Advisory Council should have
23 a subgroup specifically to participate in that or we
24 should just allow BLM's planning process to move
25 forward and in that process, invite stakeholder

1 participation and local government participation.
2 Maybe Steve here has some information that may help
3 us.

4 MR. RAZO: It might help. Don right now
5 is working and awaiting input from Steve and I and Jim
6 Abbott and others. And he is working on a guide to
7 effective engagement of groups, stakeholder groups
8 with California BLM, which is a further enhancement of
9 what you already have received in guiding you to this
10 point of establishing subgroups.

11 And we are in the process of providing
12 input. And of course, what we are addressing today is
13 going to go a long way to helping us get to answering
14 somehow do we -- when do we have a subgroup and when
15 do we not. But just for your information, some of the
16 questions that he is asking us to provide are answers
17 to these questions: Is a subgroup the only way to
18 provide input to BLM about the management of
19 resources? How will this subgroup differ from a
20 technical review team? Should you go with a
21 specific -- of course, you know with a TRT, that means
22 those are government employees. It's very specific on
23 what a TRT does, and when it's done, it gets
24 disbanded. What triggers the need to follow FACA
25 requirements for a group providing input to BLM?

1 So those types of things. When you are
2 talking about a subgroup addressing renewable energy,
3 I can see how it gets a little bit complicated. Is
4 that a duplication of effort?

5 COUNCIL MEMBER MABEN: A lot of
6 questions. Perhaps this motion should be to put it on
7 the next agenda to vote on it. And at the same time
8 get a report back from BLM if they qualify or not.

9 MR. RAZO: And Don Maruzka can be at the
10 next meeting.

11 COUNCIL MEMBER MABEN: I don't think we
12 should move forward with the questions that have been
13 raised.

14 DISTRICT MANAGER BORCHARD: I don't feel
15 like I'm adequately prepared to answer all your
16 questions or provide a real comprehensive review of
17 the background regulations that we have to follow, so
18 I really appreciate that suggestion as we can put it
19 on our plate at the next meeting.

20 COUNCIL MEMBER MABEN: Would the maker
21 of the motion modify the motion to bring it up as an
22 agenda item for our next meeting?

23 COUNCIL MEMBER BANIS: So done.

24 COUNCIL MEMBER MABEN: Second.

25 ACTING CHAIR ACUNA: Vote for it. Thank

1 you. It carries.

2 COUNCIL MEMBER BANIS: Thank you for
3 putting a lot of weight on this. I believe strongly
4 on this, but that we be organized. I just believe we
5 should be organized.

6 ACTING CHAIR ACUNA: I think I would add
7 this. It sounds like the TRT or the subgroup -- the
8 key I heard from Steve is that it had some planning
9 function to advise the BLM. I think we want to know,
10 at least I do, on the renewables is to be able as a
11 DAC member to help DAC understand what is facing us
12 and developing kind of enough information so they can
13 make a decision to represent their own interests. And
14 we together move on that. That's all.

15 COUNCIL MEMBER JOHNSTON: I was going to
16 add, too, I think the subgroup on the renewables
17 especially is somewhat duplicative, especially after
18 seeing that a specialized group internally in the
19 field offices such as Greg Miller's group is being
20 formed and is an informative tool to us as DAC members
21 already. And I think we are kind of forming an
22 advisor to an advisor to an advisor type of function
23 if we spread ourselves and diffuse ourselves by adding
24 groups and forming groups and forming groups.

25 COUNCIL MEMBER GROSSGLASS: Would it be

1 premature or -- I think we are all comfortable with
2 forming DAC subgroups where there are fees collected.
3 Would it be inappropriate to make a motion to form a
4 formal DAC subgroup for El Mirage?

5 I guess I thought we were all comfortable
6 with it as there is one in the ISDRA area and there is
7 one at Dumont. And this is really the only other
8 place where we collect a fee. I'm not sure we have to
9 put that one off. There was so much in his motion I
10 see why we put his motion off. But to have a formal
11 El Mirage subgroup, I'm not sure of the need to put
12 that off.

13 ACTING CHAIR ACUNA: Don, what do you
14 think on that?

15 COUNCIL MEMBER MABEN: One of the things
16 that I think you have to follow, this was a
17 nonagendized motion. So it really shouldn't be
18 brought to a vote today. I think what we should do is
19 vote to bring it on the next agenda.

20 COUNCIL MEMBER GROSSGLASS: Doesn't it
21 indicate status of remaining CDD subgroups on the
22 agenda?

23 COUNCIL MEMBER MABEN: Doesn't indicate
24 forming any new groups or anything else. It's a very
25 nebulous agenda. We have waited this long. One more

1 meeting isn't going to kill El Mirage.

2 COUNCIL MEMBER BANIS: We have already
3 voted.

4 ACTING CHAIR ACUNA: I think we're good.
5 We are at a point right now where we need a break.
6 Would you like to take a break?

7 COUNCIL MEMBER MABEN: Do we want to put
8 it on the agenda?

9 ACTING CHAIR ACUNA: We want to bring it
10 back on the agenda for the next meeting, more
11 discussions on the TRT and formation.

12 Fifteen minutes.

13 (Brief recess was taken from 2:34 p.m. to 2:54 p.m.)

14 ACTING CHAIR ACUNA: I would like to
15 call the meeting back to order right now.

16 And the first order of business is I
17 inadvertently let the group go on break before closing
18 with clarity what our motion was a moment ago about
19 six items brought up by Randy.

20 So the bottom line is this: We are going
21 to take those six items that we discussed, and we are
22 going to table them to the next meeting. And at that
23 next meeting, we are asking for further clarification,
24 discussion, regarding subgroups, TRTs, and how we
25 should apply those to these outstanding issues. And

1 that's how I understood it. We were going to move
2 forward. Do I have a motion to carry that?

3 COUNCIL MEMBER JOHNSTON: So moved.

4 ACTING CHAIR ACUNA: Second?

5 COUNCIL MEMBER GROSSGLASS: Second.

6 ACTING CHAIR ACUNA: Go ahead, those who
7 approve.

8 (Voice vote taken.)

9 ACTING CHAIR ACUNA: Very good.

10 COUNCIL MEMBER FITZPATRICK: Could I
11 comment on that? I would suggest for Brown Act and
12 other reasons that all that be spelled out, the things
13 that he proposed, on the agenda.

14 ACTING CHAIR ACUNA: Do you want me to
15 call it out now?

16 COUNCIL MEMBER FITZPATRICK: No, for the
17 next meeting to be kosher, it all should be on the
18 agenda.

19 ACTING CHAIR ACUNA: Yes, those six
20 items. And there will be discussion regarding El
21 Mirage so we will cover it then. So, we'll have a
22 good hearty discussion, and it will take us some time
23 to work through that.

24 COUNCIL MEMBER HOLIDAY: I would like to
25 address the issue, though, of the El Mirage subgroup.

1 And that's from the standpoint of consistency across
2 our fee areas. We have the subgroup for Dumont, we
3 have a subgroup for ISDRA and the other large fee
4 collection areas is El Mirage. And one of the goals
5 that we had when we talked to Maruzka was to come up
6 with a consistent financial reporting structure from
7 the BLM, and report that structure to the DAC for the
8 areas where we were collecting major fees from our
9 visitors.

10 And to keep that consistency, I think we
11 need a subgroup for El Mirage. And putting it off to
12 the next meeting to make that vote will just delay it
13 that much further, because it's going to be three
14 months before we have another DAC meeting. And to
15 generate a subgroup they have to generate a request
16 for members and have members sign up and go through
17 that normal procedure that we have had to do for the
18 other two subgroups. So I think it could be good for
19 us to make that motion now and then let that work.
20 And we would be -- at the next meeting with you we
21 could approve the collected members.

22 ACTING CHAIR ACUNA: Before we work on
23 this and make it an actual motion, let me try to
24 encourage you not to do that. Here is the reason why.
25 Any time you do something significant, you really

1 should have both sides of the equation. And those
2 facts should be presented in an organized fashion. I
3 think it might be a little hasty to make that decision
4 and try to carry it out in the next three months,
5 although I do hear there could be some benefits from
6 that.

7 But I personally would prefer allowing
8 folks time to put forth that analysis and present it
9 to us. One could say, Well, we need do it right away.
10 Well, I would say, I would counter that the way it's
11 been working there has been working fine for the past
12 few years. Three more months probably wouldn't hurt
13 us to allow us to continue it for three months until
14 we have had a chance to talk about it. Any other
15 folks from the DAC want to comment on that?

16 COUNCIL MEMBER GROSSGLASS: I'm curious.
17 We brought this up at the last DAC meeting in March
18 and said we were going to address it now. And it's
19 the end of August and I'm not sure what the underlying
20 issue is here. We all simply came to consensus if
21 there was a major fee area, we needed the DAC subgroup
22 just for the specific purpose so the public could have
23 the proper input and the proper reporting and the
24 proper information about what actually happens with
25 the fees.

1 We have to do that through a formal DAC
2 subgroup. I'm not sure what the purpose would be -- I
3 don't think anybody is saying that any other group is
4 doing a good thing or bad thing or whatever. The
5 ISDRA has ASA and the DAC subgroup. Dumont has
6 Friends of Dumont and the DAC subgroup. I'm not sure
7 those two are -- I guess I just don't see the conflict
8 and I don't see the purpose in putting off starting
9 the public process so people can get the proper
10 information and have the proper input. There doesn't
11 seem any -- we talked about it in March. Now it's
12 August. Time to make that decision.

13 ACTING CHAIR ACUNA: Would the other DAC
14 members like to comment?

15 COUNCIL MEMBER MABEN: Once again, I
16 don't see the urgency of rushing forward on this.
17 El Mirage seems to be functioning quite well right
18 now. Another three months isn't going to cause it to
19 fail.

20 COUNCIL MEMBER RUDNICK: What is the
21 difference in El Mirage and the other things that we
22 are postponing? There is a difference, isn't there?
23 El Mirage has a fee.

24 COUNCIL MEMBER GROSSGLASS: And that's
25 the point is that the ISDRA has a fee, and Dumont

1 Dunes has a fee. So we had discussed that everywhere
2 there is a fee collected, we want a formal DAC
3 subgroup.

4 ACTING CHAIR ACUNA: Let's hear from the
5 Barstow office.

6 MS. TROST: The difference between El
7 Mirage and the others are that, trying to make sure
8 that we are in compliance with FACA and moving them
9 from TRT to subgroups, there are things that we are
10 not at liberty to share with Friends groups that we
11 may be able to share with a subgroup. And I think
12 this would-- a subgroup could help remedy some of
13 those things. So there are different functions.

14 Barstow has numerous subgroups that we work
15 with -- numerous Friends groups, and we need to make
16 sure that we are working with those Friends groups
17 consistently across the field office. And the
18 subgroups have a different level working than making
19 recommendations through the DAC to our district
20 manager and then back down to the field office.

21 ACTING CHAIR ACUNA: Quick question for
22 you. Sorry. So what would be your recommendation?

23 MS. TROST: Well, my recommendation is
24 we want to be in compliance with FACA. We want to be
25 able to work with the public and to get that

1 information out in the best way possible. So -- and
2 if that means instituting a subgroup, then that might
3 be the best way to get that information out to the
4 public for El Mirage.

5 ACTING CHAIR ACUNA: Thank you, Roxie.

6 COUNCIL MEMBER GROSSGLASS: Sounds like
7 that in order to be in compliance to give out the most
8 information, we need a DAC subgroup. And I would like
9 a motion that we form a DAC subgroup for El Mirage.

10 COUNCIL MEMBER HOLIDAY: Second that.

11 ACTING CHAIR ACUNA: Is there any
12 discussion, further discussion on the motion?

13 COUNCIL MEMBER RUDNICK: I'm still
14 unclear, why is this one controversial? Why are we
15 even talking about it? Am I missing something?

16 COUNCIL MEMBER GROSSGLASS: It seems
17 common sense: We have it other places; we should have
18 it here. You are right.

19 COUNCIL MEMBER RUDNICK: Putting words
20 in my mouth.

21 COUNCIL MEMBER GROSSGLASS: Trying.

22 ACTING CHAIR ACUNA: Let's ask the wise
23 one, Steve, his thoughts.

24 DISTRICT MANAGER BORCHARD: I kind of
25 feel like I have been put on the spot, but not really.

1 I listen to the DAC and consider all their points of
2 view. And it seems like a common theme that I often
3 hear is let's get greater consistency across the
4 entire district. And the concept of utilizing the DAC
5 subgroup to assist in fee management areas in a
6 consistent fashion across the district in all fee
7 areas makes sense to me. Just as we work towards
8 consistent rules across the -- special rules across
9 the district, try and find appropriate financial
10 disclosure formats, consistent across all our fee
11 areas seems to make that consistent.

12 So I think in order to be consistent, we
13 should have a subgroup in all three of our recreation
14 fee areas.

15 ACTING CHAIR ACUNA: Well, I think there
16 has been some positive feedback here for the group to
17 make a decision today, then, on El Mirage. I wasn't
18 feeling that way at the beginning. I was like Don,
19 feeling maybe we could hold off until the next meeting
20 on this. But if you folks want to vote on that, there
21 is a motion on the table. I'm ready.

22 COUNCIL MEMBER HUND: I have a question.
23 I didn't have the benefit of being at the last
24 meeting. The gentleman that provided the consulting
25 to the group, the subgroups, I'm curious about the

1 composition of the membership and how the nominations
2 are made. Can someone briefly go over that?

3 ACTING CHAIR ACUNA: Maybe Steve Razo,
4 you could address that for us.

5 MR. RAZO: I don't know if we have the
6 subgroup structure, but there is varied types of
7 individuals that can serve that -- serve the interest
8 of whatever that subgroup is going to address. So in
9 the case of -- especially with the open recreation
10 areas, you will get recreation enthusiasts as well as
11 environmental people, folks, anything that can
12 contribute to what that subgroup is going to address.
13 And it can be between six to eight members or 10,
14 whatever. That's predetermined.

15 And Don Maruzka did put out a suggested
16 structure for both the Dunes and Dumont Dunes, which
17 they did vote on and agree to. And I would assume
18 that template would be applied to El Mirage since they
19 are of similar composition, similar areas, that would
20 all fall into that. Then there is a public call for
21 nominations for individuals if they want to serve on
22 the group. They will apply, the applications will
23 come in. The field office manager then will look at
24 them, come up with a nominating list.

25 Then it will run through the DAC. You will

1 look at them, you will vote on them. Then when that's
2 done, then the group will meet and the first thing
3 they will do is adopt the subgroup structure, elect
4 officers. And off you go then as an official subgroup
5 of the Desert Advisory Committee and then under the
6 FACA rules.

7 COUNCIL MEMBER HUND: I knew we were
8 asked to approve the nominees for the first two
9 groups, I saw the e-mails and responded. But I wasn't
10 clear on how those nominations, how that nomination
11 process occurred.

12 And then secondly, I assume, then, there is
13 a minimum membership of one DAC member on that?

14 MR. RAZO: Yes, there has to be a DAC
15 representative.

16 COUNCIL MEMBER HUND: So that broadens
17 it. Okay. Thank you.

18 COUNCIL MEMBER HOLIDAY: The way the
19 structure works is there has to be a nomination
20 process and put that out to the public so they can
21 come back in and the BLM will select their members.
22 And they will be approved by us. And the whole point
23 was that, yeah, one DAC member and then the
24 recommendations from that subgroup go through that DAC
25 member back to the DAC so that keeps it within the

1 FACA framework.

2 COUNCIL MEMBER BANIS: As I understand
3 it, we are not simply, though, limited to that one and
4 only method of creating that subgroup. My
5 understanding is that this is the method that we
6 supported for having the Dumont subgroup and the
7 Imperial Sand Dunes subgroups because of our desire to
8 have them fully inclusive of all the stakeholders.

9 But I also know that the DAC has made --
10 created subgroups and then TRTS right from the floor;
11 right here of a subcommittee of DAC members
12 themselves. But those weren't the big major subgroups
13 like a Dumont Dunes group. These were usually ad hoc
14 for smaller issues such as the Rands group was an
15 appointment from this body among the body members.

16 COUNCIL MEMBER HUND: Sure. I
17 understand. I was really speaking specifically to
18 these subgroups for the open riding.

19 COUNCIL MEMBER BANIS: And I would
20 recommend this follow the same.

21 As for timing just a point, what I think is
22 very important is that these -- that a subgroup that
23 oversees a fee collection area, works on a fee
24 collection area, that it needs to be constituted in
25 time for a new Dune OHV season to start. That's the

1 most effective time in my experience with the Dumont
2 Dunes. Coming in in December or January -- I mean,
3 the year is already in full swing. The signs have
4 already been put up. The fee levels have already been
5 set. The schedule has been set. And the contracts
6 have all been signed. You are in the middle of the
7 season and there is not much of an opportunity to
8 influence change.

9 But once that season is over and the summer
10 comes around, that seems when all the issues are back
11 on the table again and they get resorted out and we
12 try to get everything set for that fall season so that
13 everything is in place. So I don't see the emergency
14 now of doing it, but I certainly would want to see one
15 in time to prepare for the next season, for certain.

16 ACTING CHAIR ACUNA: So I think right
17 now where we are at, we have a motion for a subgroup.
18 And we would select those members, if the motion
19 carries forward, in the typical process that we did
20 recently for Dumont Dunes and the ISDRA.

21 So the BLM staff would carry that out, send
22 out the noticing. So the question I have amongst us,
23 should we vote positively for this, is there any
24 interest from the DAC for a member to represent on
25 this tentative group. I'm just kind of wondering.

1 MR. WALDHEIM: Before you vote on this,
2 can the public discuss this because this is very
3 important.

4 COUNCIL MEMBER BANIS: Just a second.
5 There is a difference between this El Mirage and the
6 other places. The difference is that the other two,
7 there was no advisory structure sort of in place prior
8 to that time. And at this time there is a Friend's
9 group that is working with the field office on this
10 area. And there just needs to be, I think, some kind
11 of discussion, a recognition of a transition or
12 something of that nature.

13 With the Dumont Dunes, the Friends group
14 wasn't deeply right smack in the middle of it so we
15 could start from day one. Now we are doing it. I
16 think this is more of a transition, so I think there
17 is going to be a little more of a transition with this
18 group than there was with the others. That's why I'm
19 tiptoeing around here.

20 ACTING CHAIR ACUNA: Randy, are you
21 saying, out of respect for the Friends of El Mirage,
22 that maybe it's better to wait until the next meeting
23 so that we have more input from them, from the public
24 sector, perhaps?

25 COUNCIL MEMBER BANIS: Yes. What I am

1 saying is that we voted to table this issue already.
2 We already voted to table this issue. That's what I
3 am getting at. We either do it or we don't.

4 ACTING CHAIR ACUNA: We have a motion
5 and we need to vote on it. The DAC members, your vote
6 is going to make a big difference here whether you
7 approve or not. I probably would like to table it.
8 But you don't have to do that. Let's take a vote,
9 let's see where we go, unless you want to be withdraw
10 your motion.

11 COUNCIL MEMBER MABEN: You need a hand
12 vote.

13 ACTING CHAIR ACUNA: So those that
14 support the subgroup for El Mirage, please raise your
15 hand. Those who oppose it and would prefer to table
16 it until the next meeting, please raise your hand.

17 So it looks like we are going to table it
18 to the next meeting. And you know what? I think that
19 was good, healthy discussion. I certainly hope we
20 didn't step on anybody's toes. I think everybody made
21 a good position statement here. I think we are still
22 going to be well served when we get back together for
23 the next meeting. Thank you.

24 Moving on. We were going to talk about
25 elections, weren't we, Steve? Would you like to take

1 a moment to brief us and see what we can do about
2 that?

3 MR. RAZO: Right before we get to -- I
4 guess, public comment is next. We have five of you
5 that are ending your terms this year if we have
6 another meeting this year, which I think we will.
7 This will probably be your last unless you want to
8 renominate yourself: Ron Johnston, Don Maben, Geary
9 Hund, Richard Rudnick and Meg Grossglass are the five,
10 your terms are up.

11 COUNCIL MEMBER RUDNICK: After today?

12 MR. RAZO: No, not after today. We are
13 not going to let you go yet. December 31st this year.

14 COUNCIL MEMBER MABEN: Of 2010?

15 MR. RAZO: Of 2009. You have the
16 option -- well, some of you might have been -- this
17 might be your second time around? Are you in your
18 second time? I guess not. You have the option of
19 renominating yourself because you love us and maybe
20 you would like to come in for another term.

21 Now, what normally happens, as you know, we
22 go through the nomination process. And in a perfect
23 world, we get through that process quickly and the
24 calendar year starts and normally we seat the five new
25 people and the first order of business after

1 orientation and the group starts the official meeting
2 is the election of officers or a chairman.

3 We have not done that because of the delay
4 in this group. And both Tom Acuna and Don Maben have
5 done wonderful jobs of filling in as chairmen during
6 this delay. And we now have our new group of
7 nominees -- ironically they couldn't make this except
8 for Brad, who was able to make yesterday. But if they
9 would had been able to be here, we would have had
10 orientation yesterday, and then at 1 o'clock we would
11 have elected a new chairman.

12 Now, according to the charter under
13 election of officers, a majority of the members of the
14 committee shall elect the chairperson of the committee
15 and such officers as the majority deem necessary to
16 serve until replaced in a subsequent election.
17 Election of the chairperson and other officers will
18 occur annually at the first meeting of the committee
19 during the calendar year.

20 Now, we had always held to the tradition,
21 new nominees by January, first meeting, elect
22 officers. Didn't happen. So you have an option. You
23 could if you wanted to, you could elect a chairman now
24 or wait until the next meeting when we have everyone
25 else here and then elect your chairman to serve for

1 the -- through 2010.

2 If you elect today I don't think we would
3 have to make that chairman relinquish in January and
4 then go through the process again. They can serve
5 more than a year to catch up. So that's what you have
6 before you. The five of you know who is going to end
7 and then you have the election decision to make.

8 ACTING CHAIR ACUNA: Don.

9 COUNCIL MEMBER MABEN: Tom, I think we
10 ought to stick to January. And I'm volunteering you
11 to be the acting chair for the next meeting because
12 you are doing an excellent job.

13 ACTING CHAIR ACUNA: Thank you. I
14 appreciate that.

15 COUNCIL MEMBER FITZPATRICK: I will
16 second that.

17 COUNCIL MEMBER GROSSGLASS: I'll third
18 that.

19 COUNCIL MEMBER HUND: If we meet again
20 before January and we have all of our new members in
21 place, I was thinking perhaps we could elect our new
22 chair at that time.

23 ACTING CHAIR ACUNA: That sound good to
24 me.

25 COUNCIL MEMBER MABEN: If they have the

1 orientation, is that going to be scheduled for the
2 next meeting?

3 MR. RAZO: Yes.

4 COUNCIL MEMBER HUND: Pretty close to
5 the first of the year.

6 COUNCIL MEMBER JOHNSTON: That would be
7 appropriate.

8 ACTING CHAIR ACUNA: So then the motion
9 was we are going to hold off until -- is it our next
10 meeting or is it going to be the January meeting
11 because there is a chance we will meet again.

12 COUNCIL MEMBER MABEN: In our next
13 meeting in conjunction with orientation of new members
14 being seated.

15 ACTING CHAIR ACUNA: It sounds like
16 that's going to happen, maybe December, maybe January
17 or February, but clearly the next meeting is the
18 meeting; right? So we had a motion, a second. Those
19 for it? Those opposed?

20 (Voice vote taken.)

21 Okay. We are good there.

22 What other order of business other than
23 planning for the next meeting?

24 MR. RAZO: You do that usually after
25 public comment.

1 ACTING CHAIR ACUNA: Okay, so are we
2 ready to go to public comment? All right.

3 Who would like to be the first person to
4 come up and share their thoughts?

5 MR. HILLIER: Good afternoon again.
6 Gerry Hillier, consultant for San Bernardino County,
7 executive director of Quad State Local Government
8 Authority. I had a couple of three comments I wanted
9 to make, one comprehensive and a couple I guess you
10 could say were housekeeping.

11 Steve furnished at the table a list of all
12 the current members of the Council. And it would be
13 helpful in tracking appointments and recognizing there
14 are gaps and everything, but it would be helpful if at
15 the end or at some point in there he would indicate
16 the date that those appointments, that the current
17 appointments expire. And then he could note one term
18 or two terms, the one termers being at least eligible
19 for reappointment, and the two termers obviously being
20 termed out. And of course, the common date is
21 December 31st when those terms end. But, for example,
22 with Supervisor Maben there, I was under the
23 impression that his term didn't expire to the end of
24 '10 and Steve said end of '09. So it would be very
25 helpful to have that information.

1 Second, I have had this discussion before
2 and I really feel -- I wouldn't say upset, that's too
3 strong a term, but it really would be helpful if
4 during some of the items that were presented, if there
5 was an opportunity before the Council spoke, advised,
6 or completed their discussion if there was an
7 opportunity for public input or comment that was
8 timely and appropriate to that topic, primarily so
9 that the Council could have benefit from any public
10 input or insight or additional information on the
11 topic.

12 By deferring it to the very end of the
13 meeting, it is, first off, not timely; second, the
14 presenter might not be present in the room to respond,
15 and third, the Council may well have taken a position
16 and moved on so that the comment that the speaker or
17 the public might make is totally out of context and
18 available there for input.

19 So I would like to offer that as a formal
20 suggestion that an opportunity for public comment be
21 allowed, if it was appropriate to the topic on the
22 table. And I didn't see any input cards on the table
23 today, so I wasn't able to get an opportunity to
24 formally request that earlier. At any rate, I would
25 like to make that a suggestion.

1 Third, and the point I wanted to make --
2 and it was during the grazing discussion -- Anthony
3 gave, I think, a very complete and comprehensive
4 discussion on the process relative to grazing
5 allotments. What I found missing was a discussion of
6 the land impacts associated with it and the management
7 aspects of grazing. Don Maben a couple of times made
8 reference and came very close to at least touching on
9 a couple of items that I was going to broach here with
10 you.

11 The question that I would ask the BLM is
12 the degree to which they made comprehensive
13 assessments of the changes in vegetation and the
14 effectiveness of the management decisions that they
15 carry out. Don made reference to the -- I believe to
16 the Desert Tortoise National Area, at least by
17 inference what I assumed there. It's an area, a
18 substantial area by California City that has been
19 fenced basically for about 30 years. And we hear
20 varied stories relative to the tortoise populations in
21 there and the vegetation. To my knowledge, no one has
22 ever made an assessment of what is really happening
23 with the vegetation inside that, whether the removal
24 of livestock from that area has had any effect.

25 The same is true with the sheep allotments,

1 Gravel Hills and those areas around Kramer Junction in
2 which sheep were moved after a jeopardy opinion. I
3 believe 1989 or '90 was the last year that sheep were
4 in there. So for round numbers, the sheep have been
5 gone for 20 years. To my knowledge, BLM has not gone
6 back and assessed the vegetation as to whether any
7 change in composition has occurred.

8 And I think that's an important fact that
9 they need to know because a good share of the
10 justification for moving ahead and including that as a
11 land use planning decision was that the removal of
12 livestock and the removal of this economic use was
13 going to benefit the tortoises. And to my knowledge,
14 BLM isn't even monitoring it and if they are, we would
15 like to see the data.

16 Secondly is the vegetation management
17 aspects of that and the fuels management. And Anthony
18 said that there was some discussion in terms of
19 whether grazing had an adverse impact on vegetation.
20 But there is some recent papers, and in fact within
21 the last week, maybe 10 days, BLM itself has
22 circulated a paper, a 2009 paper of research, that
23 indicates and confirms much of what has been studied
24 in Nevada: That grazing does have a beneficial effect
25 on controlling Mediterranean annual types.

1 Many of the areas of the California desert
2 have converted to Mediterranean annuals. So you do
3 have a fuels management problem and fire management
4 problem. And by grazing in the proper sequence, you
5 can influence that to not only reduce the fuel, but
6 also to influence the succession. And these things
7 are possible. And I don't want the Council to be left
8 with the idea that these are negatives.

9 Our Quad State organization has provided
10 input to the Fish and Wildlife Service and they are
11 redoing the recovery plan. We don't -- at this point
12 it hasn't been published. We don't know whether they
13 have taken our input or not. And I would rather not
14 speculate on whether they are going to take it or not.
15 But I do think there are some issues associated with
16 grazing in the desert, while it's been controversial,
17 that need to be looked at further and are appropriate
18 for consideration and are being studied
19 scientifically.

20 There is extensive research in Nevada and
21 in Mojave, in Utah and Arizona strip in this regard.
22 And I think from a fuel standpoint and a vegetation
23 composition and evolution standpoint, there does need
24 to be consideration of it.

25 And I wanted to put that on the record to

1 you and share with you that grazing is not always
2 negative. And Anthony in his presentation basically
3 was talking about relinquishment. And a lot of
4 process that was basically to eliminate the use that I
5 think can be properly used and may in the long term be
6 handled beneficially. Grazing, if it's allowed,
7 doesn't have to be negative. It doesn't have to be
8 like it was it 50 or 60 years ago. And since the
9 areas have been invaded, I think you have a different
10 vegetation scheme than you had historically and you
11 have to live with what you have.

12 So that was my comment I was going to make
13 earlier. Anthony is gone and I can't ask him if he is
14 doing the vegetation studies. But to my knowledge he
15 has not. And I would like to encourage BLM to
16 actually go out and do some definitive and regularized
17 vegetation studies. They are doing long distance
18 sampling on tortoises, but they are not doing parallel
19 studies on vegetation, and they need to do that.

20 ACTING CHAIR ACUNA: Thank you, Gerry.
21 I think your points are well taken that there may be
22 some actual benefit from grazing, as you mentioned.
23 And it sounds as if we went back and visited some
24 sites on which grazing no longer occurs, they might be
25 able to make comparisons before and after. Let's have

1 discussion here.

2 COUNCIL MEMBER RUDNICK: Could I add one
3 point that Gerry brought up about the vegetation and
4 monitoring and seeing where we are?

5 I would like to see the figures of the use
6 on the desert, how it's changed over the last 50
7 years, if you have some numbers. The California
8 desert area of AUM's per year, animals per year,
9 whatever, maybe that would coincide with some of that.

10 ACTING CHAIR ACUNA: Steve, would it be
11 possible to perhaps have Andrew give us some thoughts
12 on that maybe, or maybe a field report, just kind of a
13 summary to answer that question?

14 DISTRICT MANAGER BORCHARD: Yeah, I will
15 be pleased to look into it. I don't know if we can
16 put that together or not, but if we can, we will put
17 together the kind of data we can.

18 COUNCIL MEMBER RUDNICK: Thank you.

19 DISTRICT MANAGER BORCHARD: AUM's in the
20 desert?

21 COUNCIL MEMBER RUDNICK: I have
22 confidence in you, Steve.

23 DISTRICT MANAGER BORCHARD: AUM's
24 authorized in CDD? I think we can pull that one. And
25 I think we can also pull actual AUM's billed because

1 there are two figures as authorized, and there is
2 actual utilization that would come out in the AUM
3 Bill. Okay, we can do that. I'm familiar with those
4 databases.

5 COUNCIL MEMBER HUND: One point that the
6 speaker made that I think is worth us discussing,
7 perhaps at our next meeting we can agendize it, and
8 that is concerning public comment on agenda items.
9 And generally speaking, I'm in agreement with his
10 suggestion if we are talking about an action item, not
11 a report. But if there is an item that this body is
12 going to take action on, I think it would be a good
13 idea for allow public comment before we take that
14 action.

15 And that's very typical -- Don, I'm sure,
16 can speak to that regarding County Supervisor meetings
17 and City Council meetings and that's typical protocol.
18 And I think it's a healthy thing. However, I do want
19 to add the caveat that perhaps we should have speaker
20 cards and limit people to three minutes and have
21 someone as a timekeeper, because we have had meetings
22 in the past where we allowed the public comment on
23 virtually everything, and we had members of the public
24 that would speak for five, six, seven minutes at a
25 time.

1 ACTING CHAIR ACUNA: Good point.

2 COUNCIL MEMBER MABEN: I think perhaps
3 in the agenda, maybe an asterisk by the item that is
4 going to be an action item, and that way the public
5 can fill out a card for that item and provide the
6 chair with a timing device to manage the time.

7 COUNCIL MEMBER HUND: Just real quickly,
8 for our board for action items for our resolutions for
9 the Coachella Valley Mountains Conservancy State
10 Agency -- and we have a governing board -- we state at
11 the end of the item, any member of public may address
12 the governing board on this item. So we could say,
13 any member of the public may address the DAC on this
14 item and just have that on the agenda items where that
15 applies. And we should only do it on action items.
16 Not for manager's reports and updates.

17 ACTING CHAIR ACUNA: So any action we
18 might create during the course of the meeting now,
19 that we give them an opportunity to comment. For
20 example, we were talking a moment ago about El Mirage.

21 COUNCIL MEMBER HUND: I will defer to
22 Don.

23 COUNCIL MEMBER MABEN: I disagree on
24 that one. That has to be when it's officially
25 agendized for action by this group. All we did today

1 was vote to put on the agenda for future meetings, and
2 I don't think we need public comment.

3 ACTING CHAIR ACUNA: But we came very
4 close to voting on it had we done that today, and that
5 would not have been on the agenda.

6 COUNCIL MEMBER MABEN: If you are going
7 to vote taking an action on the item, public should
8 speak.

9 COUNCIL MEMBER FITZPATRICK: I back up
10 what everybody said. I think it's certainly
11 appropriate for people to comment on agendized items.
12 But you need to have the three minutes, absolutely.
13 Otherwise we will be here forever. It's three
14 minutes. And then that allows the Council to still go
15 beyond that three minutes with its questions or
16 clarifications. But the presentation needs to be
17 three minutes, it needs to be stated on the speaker
18 card, speaker cards need to be a matter of record.

19 ACTING CHAIR ACUNA: Thank you. Randy,
20 you were going to say something?

21 COUNCIL MEMBER BANIS: I was under the
22 impression at the meeting that you were acting chair,
23 Don, I think we agreed that the bolded items were
24 going to be items that we would take comment on. But
25 I see the bolded items aren't necessarily action

1 items. Maybe we could go back into the record and
2 follow that advice we provided last year.

3 ACTING CHAIR ACUNA: Is it possible to
4 write the rules of engagement at the bottom of the
5 agenda so that everybody sees it? We just formalize
6 it? It's there from now on. Hector -- or Steve Razo.
7 Can you help us out with the agenda in the future?
8 What we are saying is that for the public's benefit
9 and our benefit, if you could just put a few rules of
10 engagement at the bottom of the agenda so that
11 everybody knows what the rules are. For example,
12 three minutes. We like that idea. Three minutes.
13 Limit it. We may give them more time to speak, action
14 items only, that type of thing.

15 MR. RAZO: I know that area keeps going
16 back and forth on what we are going to do. And I know
17 in the past we have done that to a degree and there
18 was disagreement during the meeting as to whether we
19 really wanted to do that. So I will -- once I get the
20 minutes, I will put down exactly what you like and we
21 will make a run for it.

22 COUNCIL MEMBER HUND: Let me summarize
23 then, a proposal to the group. And that's that we
24 have the public comment at the beginning, like we do
25 now for public questions for items not on the agenda.

1 We have a general public comment period at
2 the end where they can comment on nonaction items.

3 And then for action items, we have public
4 comment for those action items. They are identified
5 somehow on the agenda. And that for any public
6 comment, there is a three-minute limit for them to
7 make their comments. However, as members of the DAC,
8 we can ask for clarification or ask questions as
9 individual DAC members with the Chair moderating that.

10 COUNCIL MEMBER JOHNSTON: Prior to the
11 vote.

12 COUNCIL MEMBER HUND: Prior to the vote.

13 MR. RAZO: Sincerest apologies on the
14 speaker cards. For some reason they didn't make it to
15 the table.

16 COUNCIL MEMBER HUND: Are we all on
17 agreement on that protocol?

18 ACTING CHAIR ACUNA: All right.

19 COUNCIL MEMBER FITZPATRICK: While we
20 are on that procedural thing, I would also like to
21 stress that the public questions for items not on the
22 agenda are to be questions, not presentations. It's a
23 question. That's what we are saying. Bring your
24 question. Don't bring a presentation.

25 ACTING CHAIR ACUNA: Let me ask you

1 this. If you are a member of the public, you have a
2 topic that's important to you and it's not on the
3 agenda and you want to present the background, it has
4 to come off as a presentation and not a question.

5 COUNCIL MEMBER FITZPATRICK: That should
6 be towards the end of the meeting. That's more
7 appropriate for comments. But especially if not on
8 the agenda, by giving a presentation you are asking it
9 to be on the agenda.

10 ACTING CHAIR ACUNA: So I am interested
11 in gaining public input on issues important to them.
12 So should we allow them to make presentations if they,
13 for example, notify us in advance? Maybe they would
14 submit that?

15 COUNCIL MEMBER MABEN: Can I make a
16 suggestion? What we do at the County, at the
17 beginning of our board meeting each session, we have a
18 place for people to address the board on any item not
19 on the agenda. Address. And if it's something that
20 we want to take up on a future agenda item, then the
21 board makes a referral to staff for get it on another
22 agenda so the public has total input. They can ask a
23 question, make a statement. Do whatever they want.

24 COUNCIL MEMBER FITZPATRICK: Kind of
25 being literal here, questions to change into address,

1 that's a different thing, but if we say yes --

2 COUNCIL MEMBER MABEN: It can be a
3 question or statement.

4 COUNCIL MEMBER JOHNSTON: You probably
5 limit it as City Council in San Diego, they limit it
6 to a two-minute presentation.

7 COUNCIL MEMBER MABEN: Yes, so we don't
8 get anybody on a soap box.

9 COUNCIL MEMBER HUND: I'm okay with
10 three on that for the DAC. It's a little less formal.
11 We are not as likely to have 100 speakers. And we
12 could change the time if we had a situation like that.

13 COUNCIL MEMBER JOHNSTON: If it was
14 being abused.

15 COUNCIL MEMBER HUND: But I think -- I
16 agree, I think people ought to be able to say whatever
17 they want to say. But there needs to be some time
18 limit because sometimes people come with things that
19 we haven't thought of at all that might be very
20 relevant that we would want to agendize for future
21 meetings.

22 ACTING CHAIR ACUNA: So if somebody
23 wanted to make a presentation -- so I really
24 understand this, Don -- if they came at the beginning
25 of the meeting and said, look, here is a topic that's

1 important to me and he did a presentation in less than
2 three minutes, then we could decide whether we would
3 hold a formal discussion on that topic at the next
4 meeting?

5 COUNCIL MEMBER MABEN: Yes, if somebody
6 came up at that first presentation that we felt was
7 important enough to be agendized, one of us would make
8 a motion to it put it on the agenda and take a vote on
9 it.

10 ACTING CHAIR ACUNA: At the bottom of
11 the agenda we are going to discuss in the future, we
12 will have five or six kind of basics rules so that
13 everybody can kind of look at so they can figure out
14 how they fit into the meeting, both at the beginning
15 and throughout the meeting and to the future.

16 COUNCIL MEMBER HUND: I think the
17 importance of doing it that way is then if something
18 important does arise, we can address it at some point,
19 but it doesn't throw us off track for a current
20 meeting agenda, and then we won't have -- like one of
21 the ones up in Barstow was like a five-hour meeting.

22 COUNCIL MEMBER MABEN: Poor reporter.

23 ACTING CHAIR ACUNA: I think the clarity
24 will be useful for everybody and the rest of us, so
25 that's a very positive move. So Steve, it's all in

1 your hands now.

2 MR. RAZO: All right.

3 ACTING CHAIR ACUNA: Is there any other
4 public comment?

5 MR. MATTHEWS: Yes, good afternoon. My
6 name is Dave Matthews. I'm out of Ridgecrest, a
7 member of the steering committee up there. I tend to
8 represent the general public. And years ago when I
9 started out, I also represented my grandchildren.
10 However, they are getting old enough to represent
11 themselves, so it's going to be up to them.

12 I just want to discuss a little bit what
13 you were just talking about and agree with
14 Mr. Hillier, because I cannot come into these meetings
15 and visualize or presuppose what is going to be said
16 that I want to comment on or point you in another
17 direction. Just like when you are discussing your
18 glass problem a while ago.

19 But anyhow, let me go on from there. I
20 will start with the last first, and that was the
21 supplemental rules which we were discussing earlier.
22 And when you say supplemental, I assume that there are
23 other rules somewhere else that these are supplemental
24 to. And I was curious, where are those rules listed?
25 Where can I find a copy and where can I find a copy of

1 these supplemental rules, because I didn't even
2 realize what those were going to be when I saw the
3 agenda.

4 But from what I heard, you are taking all
5 my fun out of going to the desert. I can't go riding
6 nude across the desert on the hood of my Jeep with my
7 nude girlfriend driving while I am holding my beer
8 bottle in one hand and my shotgun in another and
9 throwing the beer bottle off and hitting -- anyway --

10 DISTRICT MANAGER BORCHARD: If you can
11 break four rules at once, it doesn't apply.

12 COUNCIL MEMBER GROSSGLASS: If you can
13 figure that one out, you are okay.

14 MR. MATTHEWS: I just want to caution --
15 and Randy brought up some concerns about the clothing
16 optional areas. People associate nudity with
17 "ludity," and that's not always the case. There are
18 beneficial and healthful and well-established nudist
19 organizations, and they have a legitimate right as
20 well as everybody else. That's all I want to say on
21 that.

22 As far as the glass issue, I was going to
23 suggest, until I heard what the rangers' points of
24 view were on that, and that is rather than specifying
25 what containers can be carried where and when, just

1 make it -- make the rule state that no person will
2 allow, break, or shoot glass in these areas. And then
3 if they do, then they are held liable. But then I can
4 see where that may not be enforceable, either.

5 However, I have gone out to the desert and
6 other areas where I have seen a lot of glass around
7 and guess what, I don't camp there. And I don't think
8 a lot of other people do either.

9 But in that same respect, you have another
10 problem which I am stressing during all the WEMO
11 meetings and a few other meetings, and that is we need
12 to educate the public better. And I'm not just
13 talking about the BLM or the federal government or the
14 Forest Service. I'm talking about interacting with
15 the school districts, public radio, television
16 networks, whatever, to educate the people as to why it
17 is unsafe to break a bottle in the middle of a
18 campground. You know, it's obvious to me. I mean, I
19 stepped on many a broken glass when I broke it in my
20 bare feet, and I learned. But apparently some people
21 don't, so I don't know. Maybe if we drill in their
22 heads long enough, they will learn. All right.

23 To the grazing issue, there was a
24 discussion about the one rancher versus the 100
25 recreationalists. I would like to point out that the

1 one rancher -- and I'm not necessarily saying that
2 that's one person; it could be a corporation, it could
3 be a partnership or something else -- but that one
4 rancher will supply food and more economic, I don't
5 want to used word "stimulus," you know what I am
6 saying, benefit for more people than the four
7 recreationalists coming in that area for a weekend.

8 So this is where a lot of people don't seem
9 to realize this anymore. This is where our real
10 wealth is and what our resources are and our ability
11 to use them and use them wisely. So keep that in
12 mind.

13 The renewable energy, don't use the word
14 "renewable." It's not renewable. Once you use
15 energy, it's gone. These are alternative energy
16 sources. As I told Randy earlier and during the
17 break, the only renewable energy source that I know of
18 is the sun, and I have been told that's even limited,
19 too, so I'm hoping we won't see the end of it.

20 I didn't make it down here yesterday, but
21 there was something to do with wild horse and burro
22 discussion yesterday. And I have no idea at this
23 point what it was. But I was thinking about this the
24 other day, and it's my understanding that the problem
25 for the BLM is not getting better. It's getting worse

1 because people don't want to adopt these days or
2 whatever. So I would just like to throw out a
3 half-hearted suggestion that maybe the BLM should turn
4 the management of those over to a contractor who could
5 take them from one centralized facility out to the
6 outlying areas where they can be used as pack animals
7 because we are getting all these areas closed off
8 anyway, so that's the only way we are going to be able
9 to get into them. That's what I said, it's
10 half-hearted. Not to compete with any of the private
11 packers out there, though.

12 All right. One last thing which actually
13 is kind of the beginning. Some of you may associate
14 my name with a rather caustic e-mail that went around
15 the other day regarding the agenda and the
16 notification of the agenda. I meant it to be caustic
17 for the simple reason that I have harped on this for
18 several years quite consistently. And these meetings
19 are not getting out to the entire public that needs to
20 know on time and what the particular items are going
21 to be and when they are going to be discussed.

22 The Federal Register notice says that, yes,
23 the agenda will be updated and gives you a link to go
24 to, but that link doesn't work. So what are we
25 supposed to do? Anyhow, I have my e-mail address out

1 there. And I'm going to send it down to Mr. Razo and
2 also my mailing address. And I don't remember if I
3 have already done that, but I'm going to do it.

4 And I hope that we would get -- and not
5 just to the individuals that are interested, but also
6 these need to be noticed. And I know you can't make
7 the newspapers print it, but there are some agencies
8 which -- there are some notifications which newspapers
9 are required to be noticed or published. And I think
10 maybe there should be some rules or regulations put
11 in. Let's make a few more. Anyhow, I think that's
12 about all I have for tonight. Thank you.

13 ACTING CHAIR ACUNA: Thank you,
14 Mr. Matthews. And I think your point is well taken
15 about the agenda. Try to get that published a little
16 bit sooner with the rules, and that will help the
17 public prepare before they come to these meetings.

18 Are you guys ready for the next speaker?

19 COUNCIL MEMBER MABEN: I think we have
20 had enough public speakers.

21 ACTING CHAIR ACUNA: Why don't you come
22 on up, Ed?

23 MR. WALDHEIM: I know it's been a long
24 day. Ed Waldheim.

25 Desert Advisory Council, DAC. That is what

1 you are. You are advisors to the BLM. Nothing more.
2 You can't tell them what to do. You can advise,
3 suggest, make recommendations, that's what you are
4 for.

5 City Council, Board of Supervisors, they
6 are the final decision making process. When I go in
7 front of the Board of Supervisors or City Council, I
8 make my comments. They take the input; they can use
9 that input and they will make the final decision,
10 independent of discussion.

11 This group does not have that authority.
12 All you can do is advise. And I find it ironic that
13 when you are fiddling around with -- you let him talk
14 a long time, and I appreciate you doing it. Cutting
15 off, three minutes, if it goes too long-winded you can
16 cut it off. But the last thing you want to do is cut
17 the public off. That's what we are supposed to be
18 about. That's what I thought we were supposed to be.
19 If we can't engage the public that loves the desert,
20 loves the area we recreate in and we work our heart
21 off for, then we have lost all sense of what we are
22 doing here, completely lost all sense.

23 You almost totally violated the rules when
24 you start making motions and you wouldn't take input
25 from anybody outside. It just boggles my mind.

1 The Off-Highway Vehicle Commission has been
2 gutted of most of its power through the legislature,
3 but I still have to give them credit. Every item they
4 ask the public for input. Every single item. People
5 get two minutes and organizations get three minutes,
6 but at least I get to say my piece. You cannot shut
7 the public off. That's totally, totally wrong.

8 If I learned anything from Maruzka, it was,
9 Ed, you are doing fine with the Friends meeting. Just
10 remember you cannot tell the federal agency what to
11 do. And I learned that rule quick. We have action
12 logs. I said, Maruzka, these are action logs for our
13 institutional memory, not to tell the BLM what to do.
14 It's for us to collectively put down the action items
15 that are in front of us so 15 years down the road, we
16 can chip at them and work at them. With the Forest
17 Service, they select the programs that work on the
18 action log. We have action logs for every Forest
19 supervisor in six national forests, each field office.

20 It's not to tell the BLM what to do. It's
21 so we can remember what came up from the public so
22 maybe we can work on it. And if we can't, we agree
23 together not to work on it and we put it off to next
24 quarter.

25 So backtracking to the subgroups, I find it

1 very ironic that a DAC member in this group here, two
2 DAC members, find it so important that El Mirage needs
3 to have a subgroup. First of all, they have never
4 been to a single meeting, not one meeting of El
5 Mirage, or Jawbone for that matter. To decide to say,
6 well, we are of no consequence, we don't know what we
7 are doing -- El Mirage has been for ten years meeting
8 every single month for ten years, five years addition
9 as a steering committee meeting. Jawbone even longer.

10 And for the DAC members to think that we
11 don't know what we are doing and we have not had a
12 relationship with the agencies who work hand and hand
13 with us is ludicrous. Now, Ms. Trost said, there are
14 things that we can't give a Friends group that we can
15 give to a subgroup. Fine. Take the things that she
16 cannot give to the Friends group and give it to the
17 DAC. The DAC at this meeting can decide what you want
18 to do with the information.

19 If you don't want to give it to the Friends
20 group, what is the difference? Our groups are open to
21 anybody who wants to show up. You got to get out of
22 bed; you got to get up in the morning; you got to
23 drive and spend three hours every month with us at the
24 meeting and participate. And you have to be a friend.
25 If you are an antagonist, if you are negative, if you

1 are trying to destroy us, we will ask you to leave.
2 That's the only rule we have. We have done it twice
3 with agency approval and agency cooperation.

4 Never in the 15 years that these two groups
5 have worked have we had any problems with the
6 agencies. We work hand in hand. That's our success.
7 And I challenge any group in the state of California
8 to match what we have accomplished with the agencies
9 we're working with.

10 So I am very concerned that you want to --
11 when you originally came with Maruzka, you had made
12 the decision to let El Mirage run the way they are
13 doing and let them do their thing, working with the
14 agency. There wasn't any need to start another
15 hierarchy because it takes time to get a subgroup
16 going. Roxie has to set the dates, get staff, you've
17 got to take the notes, you've got to get minutes.
18 That's a lot of work. For what? To get a few
19 documents or see what the income is?

20 So my whole point to you, please, listen to
21 the public. I will bring people at the next meeting
22 and we will fill this room up if you want to of what
23 we do and how important it is. The worry I have, the
24 worry I have is that for some reason forming a
25 subgroup is going to make us feel, what have we been

1 doing for 15 years, as if we are of no consequence.

2 When I come and talk to you about giving
3 reports of what the Friends have done since the time
4 since you last met, I thought I was doing it in order
5 to brag and inform you and include you in the joy of
6 all the work we are accomplishing. If I haven't
7 accomplished that and if you are not interested in
8 that, I will shut up and sit down in the back row or
9 not bother even coming.

10 But I don't think that's what you want to
11 accomplish. The DAC is here to serve the public.
12 That is your main thing, so the BLM gets all the input
13 in here and you give it to Steve and he can make a
14 decision yes or no which way to go with it.

15 So I'm very upset that for some reason we
16 are losing our purpose here: Desert Advisory Council
17 meeting. You are to advise, and for you to shut the
18 public down or not give us credit where credit is due
19 and trying to reinvent the wheel, I think you are
20 going down the wrong direction.

21 The only thing Maruzka wanted to make sure
22 was that we complied with FACA; that everybody can
23 come in; and that we as Friends group cannot tell the
24 BLM what to do. So that was the main thing. And he
25 assured me, Ed, you are doing things right. And

1 that's why I have been running the meetings for Forest
2 Service and the BLM. I run six National Forest
3 meetings and all the BLM meetings we do. We totally
4 comply with FACA. No decisions are made by us for the
5 BLM or the Forest Service. They make their own
6 decisions. Thank you.

7 ACTING CHAIR ACUNA: Are there any
8 comments from the DAC?

9 COUNCIL MEMBER HUND: I just wanted to
10 say I know that we are going to revisit this issue
11 with the El Mirage subgroup. But one of the natural
12 advantages I see to having a group like that is that
13 the folks that use El Mirage will have a voice that
14 comes -- they will have a DAC member participating in
15 what they are doing out there, and they will have a
16 voice, a conduit through to the DAC, which is the
17 BLM's official advisory body for the CDCA.

18 And I would hope that members of the
19 Friends, if we do decide to approve that subgroup,
20 would apply to be participants in that subgroup. And
21 by all means, I would not want to see the good work of
22 people that is already being done there not be melded
23 and incorporated into the new group, if such a group
24 is formed.

25 But I still think, based on what I have

1 heard today about how it would be formed and how it
2 would be structured, that it's a good idea. And I
3 wanted to say that I appreciate Ed's concerns about
4 public participation, but today what we did was we
5 expanded the opportunity for public participation in
6 the future. And I think we do need to have time
7 limits because otherwise, it can become very unwieldy
8 and bogged down. Certainly we can make exceptions in
9 extraordinary circumstances. But I hope the group
10 maintains its resolve to have that three-minute time
11 limit on public comment.

12 COUNCIL MEMBER HOLIDAY: I would like to
13 respond to Mr. Waldheim's contention that by asking
14 for a formal subgroup, that we somehow were saying
15 that the Friends groups weren't functional or weren't
16 doing what they were meant to do or didn't know what
17 they were doing. That wasn't the intent at all. I
18 would assume that the same people that -- or a good
19 portion of the same people that are in the Friends
20 group would be part of the subgroup and continue their
21 involvement with it.

22 The idea is to try to get some more
23 consistency across the Desert District and with areas
24 that have fees. So that is the point behind that.
25 It's not the point to say that any one group isn't

1 doing a good job. I think they have, and I think it's
2 just trying to gain consistency.

3 COUNCIL MEMBER GROSSGLASS: I concur
4 with the comment. Certainly was not meant to say that
5 any of the Friends groups, especially not Friends of
6 El Mirage, was doing anything not well enough. I
7 think they do a great job. I think we need uniformity
8 and compliance with FACA.

9 ACTING CHAIR ACUNA: I think we will
10 have a good opportunity to talk about that at the next
11 meeting. The public period discussion period is
12 closed at this point. And I think we need to talk
13 about just a quick summary of what we have
14 accomplished today. And I will get that and we will
15 move on to picking our next date for our next meeting.

16 Let's see. Boy, did we have a lot to go
17 over today. The renewable energy, we made great
18 progress in understanding and now seeking to have a
19 greater understanding as to the issues that are
20 affecting certain territories within the desert. And
21 it sounds like the next meeting we are going to have
22 some discussion on that.

23 We got a pretty good idea how important
24 cattle are, and that it's not just a replacement of
25 those grazing lots. It's not as easy as one would

1 think.

2 We talked about the desert supplemental
3 rules, and I think we came to some conclusions that
4 were helpful to the BLM, and the small modifications
5 on their part will help their enforcement.

6 We had a discussion regarding elections,
7 and we all feel good and comfortable that next meeting
8 when we have a full quorum of the new people, we can
9 elect the officers.

10 We had a good discussion definitely on
11 Dumont Dunes, the Imperial Sand Dunes subgroups, the
12 TRTs, and we will be making progress at the next
13 meeting for that too.

14 I think I'm very impressed that our rules
15 for public comment are going to be clearly identified
16 in the agenda at the next meeting, and some of those
17 who feel maybe short-changed because they didn't get
18 an opportunity to speak will have an opportunity to
19 follow the rules, as well as we, too, follow those
20 rules.

21 I just want to thank to the BLM staff for
22 all of your efforts in preparing for this meeting and
23 taking your personal time to come down here and work
24 with the DAC and members of the public. I want to
25 thank the public for providing their heartfelt

1 comments. And I want to thank the DAC for -- you
2 know, we really worked on some things. We didn't
3 agree on everything, but we certainly are still
4 talking and that's a good thing.

5 So with that, how about the next dates?
6 Steve, will you take it from there?

7 DISTRICT MANAGER BORCHARD: Everybody
8 get their calendars out. Ninety days would be
9 Thanksgiving.

10 ACTING CHAIR ACUNA: We can go to
11 Imperial Sand Dunes.

12 COUNCIL MEMBER GROSSGLASS: Do we have
13 to wait 90 days? Could we go to the beginning of
14 November?

15 DISTRICT MANAGER BORCHARD: That depends
16 on how much work the agency needs to accomplish.

17 COUNCIL MEMBER GROSSGLASS: You need 90
18 days?

19 DISTRICT MANAGER BORCHARD: I'm thinking
20 early December is what I would ask for so we get that
21 full 90 days in order to prepare. As you are all
22 aware, the best meetings are those with which our
23 ample preparations have occurred.

24 COUNCIL MEMBER MABEN: How about
25 December 11 and 12?

1 COUNCIL MEMBER GROSSGLASS: Sounds good
2 to me.

3 ACTING CHAIR ACUNA: I could do it.

4 COUNCIL MEMBER JOHNSTON: I look okay.

5 COUNCIL MEMBER GUNN: That's good.

6 COUNCIL MEMBER RUDNICK: What about
7 Ridgecrest?

8 ACTING CHAIR ACUNA: How about Palm
9 Springs?

10 COUNCIL MEMBER MABEN: You heard what
11 the room rates were at Ridgecrest.

12 COUNCIL MEMBER RUDNICK: Put on another
13 barbecue.

14 COUNCIL MEMBER HOLIDAY: I want to see
15 the land where the cows have lived. I want to see the
16 difference.

17 COUNCIL MEMBER RUDNICK: We have them
18 both there.

19 ACTING CHAIR ACUNA: We haven't been in
20 Palm Springs nor have we been to El Centro in a long
21 time.

22 We might even get an opportunity -- now we
23 are talking field trips, we actually get to go on
24 field trips in December, and if you are in Palm
25 Springs you can go visit the wind farms. That's

1 always a good thing.

2 MR. RAZO: There is a new addition in
3 the wind farm area where the latest generation
4 turbines are being installed.

5 ACTING CHAIR ACUNA: Are there any
6 transmission corridors that have not been built that
7 we could look at in that area?

8 COUNCIL MEMBER RUDNICK: In Ridgecrest
9 there is.

10 COUNCIL MEMBER HOLIDAY: We are not
11 going to get there. I can see that.

12 ACTING CHAIR ACUNA: Jon Kalish, what do
13 you think?

14 MR. KALISH: We are fine with hosting a
15 meeting in December. As far as transmission
16 corridors, we are working with corridor issues and can
17 discuss them, but most of the corridors in our area,
18 they are either getting occupied or they are pretty
19 near full.

20 COUNCIL MEMBER HOLIDAY: If we elect to
21 go there, I can probably set up a tour of Devers
22 substation switching center. It's a major switching
23 center that's going to be the terminus for many of --
24 it is the terminus for 500 lines and some of these
25 other ones. I used to maintain a computer facility

1 there, and I think we can probably get a tour there at
2 the switching center.

3 ACTING CHAIR ACUNA: There are plenty of
4 options if we go to Palm Springs. Is the DAC open to
5 that, then? And the BLM, is that all right on
6 December 11 and 12?

7 COUNCIL MEMBER RUDNICK: Is that kind of
8 prime time? I don't care if we go to Palm Springs.
9 Is that in the prime time for Palm Springs hotel
10 bookings?

11 MR. KALISH: Typically after Christmas
12 and around the first is when motel and hotel rates go
13 up.

14 COUNCIL MEMBER RUDNICK: So we can sneak
15 in.

16 MR. KALISH: I think we can.

17 COUNCIL MEMBER FITZPATRICK: I can make
18 a phone call to a person I know there to see if she
19 could help us with hotels or something if you want me
20 to.

21 ACTING CHAIR ACUNA: Maybe you could
22 take that up with Jon Kalish. We don't need to take a
23 motion on this. We just need to do it; right?

24 I think we are done with the meeting. Is
25 there a motion to adjourn.

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COUNCIL MEMBER RUDNICK: So moved.

COUNCIL MEMBER GROSSGLASS: Second.

ACTING CHAIR ACUNA: All for it, aye?

Opposed?

(Voice vote taken.)

COUNCIL MEMBER FITZPATRICK: I just want
to thank Tom for continuing.

(The proceedings concluded at 4:09 p.m.)

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R E P O R T E R ' S C E R T I F I C A T E

I, Judith W. Gillespie, a Certified Shorthand Reporter, No. 3710, for the State of California, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of Saturday, August 29, 2009.

Dated this 11th day of September, 2009, at Riverside, California.

JUDITH W. GILLESPIE, CSR, RPR

M-O-T-I-O-N-S

A. Maker: Randy Banis

Second: Don Maben

Motions:

1. That the Rands TRT remain as a subgroup and assist El Paso CAPA
2. That there be a subgroup on Renewable Energy
3. That there be a subgroup established for El Mirage
4. To retire Surprise Canyon TRT
5. To retire Historic Cabins TRT
6. To let Friends groups remain and allow them to come to the DAC and report their accomplishments

Result: Motions failed

B. Maker: Randy Banis

Second: Don Maben

Motion: To move previous six motions to the next Meeting's agenda

Result: Motion carried

C. Maker: Meg Grossglass

Second: Richard Holiday

Motion: To form a DAC subgroup for El Mirage

Result: Motion failed

D. Maker: Don Maben

Second: James Fitzpatrick

Motion: To ask Tom Acuna to remain as Acting Chair until next meeting and then elect new officers

Result: Motion carried

E. Maker: Richard Rudnick

Second: Meg Grossglass

Motion: To adjourn

Result: Motion carried